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# Illinois Issues Annual 1978-79

Edited by Caroline A. Gherardini and Leon S. Cohen

Sangamon State University, Springfield, Illinois





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## Acknowledgements

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## Preface

The fourth edition of the *Illinois Issues Annual* contains articles drawn from the 1978 and early 1979 *Illinois Issues* magazines. This year's *Annual* has an expanded and revised version of "The ABC's of Illinois government" which provides a background for the articles included. Designed for classroom use, the new 1978-79 *Annual* provides the most current information on the issues, people and processes of Illinois government and politics from the perspective of experts and active participants in government.

The *Annual* and *Illinois Issues* magazine are published by Sangamon State University in Springfield, a public senior university designated as the state's public affairs university. The University of Illinois co-sponsors the magazine. The magazine is published monthly and covers issues of state and local government and politics in Illinois. The *Annual* is published each year in time for fall semester classes.



# The ABC's of Illinois government

GOVERNMENT in Illinois, like that in the other 49 states, is characterized by the sharing of political power and authority among different levels and agencies of government. At the state level there is a division or separation of powers among the legislative, executive and judicial branches. On the local level there are more than 6,000 units of government—municipalities, counties, townships, school districts and a variety of special districts which provide specialized services, such as parks, sanitation, transportation and fire protection. Illinois has more units of government than any other state. Generally, the powers of all the local governments have come from the state government. But the 1970 state Constitution grants home rule powers to any municipality which wants them and to county governments which qualify.

Many of the officials of these various Illinois governments are elected by the people. The top state executive officers are elected statewide. All members of the legislature are elected by district throughout the state, as are the judges of the Supreme Court, the Appellate Court and circuit court. Locally, we elect mayors and city council members; village presidents and trustees; county sheriffs, clerks, state's attorneys, tax assessors and county board members; township supervisors, auditors and tax assessors; school board members and regional superintendents of education plus trustees for community college districts; and many of the officers of the special districts.

The sharing of power also is reflected by the system of "checks and balances" which has been part of American government since the Revolutionary War. This system incorporates safeguards which divide power so that no one branch of government can make decisions without being checked in some way by one or both of the other branches. For example, a bill passed by the legislature must be approved by the governor before the bill becomes law; but if the

governor vetoes the bill, the legislature can override his veto with a sufficient majority. The courts, exercising their power of judicial review, can decide if actions taken by the governor and the legislature are constitutional. Of course, the basic safeguard of our system of checks and balances is the fact that citizens elect their representatives.

## Federal-state relations

It is generally believed that the powers of the federal government have expanded enormously in recent years at the expense of the states. However, in the past 30 years the increase of governmental activity at the state and local levels—measured by the amount of money spent—has increased more rapidly than non-defense spending by the federal government. The states and local governments exercise many powers of vital importance to the average citizen. With a budget of over \$11 billion, the state of Illinois runs its many departments and programs and pays for construction of roads, buildings and other projects (see "The growth in state spending: Twenty-five years of state finances analyzed; future problems pinpointed," page 62). The revenues to do all this come from the federal government, state bonds and state taxes. In Illinois, the greatest source of tax revenue comes from income taxes and sales taxes. Local governments also need revenue to provide services; their revenue comes from federal and state funds, local bonds and local taxes—most notably the property tax.

Local governments have the basic responsibility for education, police and fire protection, sanitation, highways, mass transportation and other needed public services. The state manages welfare aid, public higher education, prisons, highways and mental health services plus a host of other programs. The state also helps fund local school districts. Both state and local governments, however, would have difficulty meeting their responsibilities without large amounts of federal aid. Distribution of money tends to be fought over. Some feel that Illinois does not receive its fair share of federal dollars; others say the conditions that accompany grants from the federal government stifle state and local initiative. Local governments are often critical of the way state money is distributed to them. (see the debate, "Should the property tax be scrapped?" page 72). Right now, the local property tax is under severe criticism. This tax is collected by and used only by local governments but has certain standards and limits set by the state government. Because the property tax is based on the value of real estate, there have always been problems with inequity. And, recently, inflation has sent property taxes skyrocketing (see "Illinois tax revolt—the 8% solution: Totten calls for limits on state revenues and property tax rates," page 59). Voters in California were so dissatisfied with the property tax that they voted June 6, 1978, to cut it back drastically. Illinois voters do not have the "open initiative" like California which allows citizens, by petition, to place proposed state laws to a vote statewide (see "Tax and spending limits: What other states are trying," page 68).

## Three branches of government

Under the Illinois Constitution, the governor serves as the chief executive officer of the state. In state government, he holds more power than any other individual. The legislature,

## The cycle of government

### January

2nd Monday..... *New state officers take office following a general election.*  
2nd Wednesday..... *Annual legislative session begins.*

### March

1st Wednesday..... *Governor submits budget to legislature.*  
3rd Wednesday..... *Primary election in even-numbered years.*

July 30th..... *Target date for end of spring legislative session.*

July 1st..... *New fiscal year begins for state.*

October (variable)..... *Usual month for beginning of fall session to act on vetoes.*

### November

1st Tuesday after 1st Monday..... *General election in even-numbered years.*

officially named the General Assembly, holds the lawmaking authority in the state, subject only to the limitations of the Illinois and U.S. constitutions. The judiciary settles disputes over civil, criminal and constitutional questions.

## Redistricting and elections

The General Assembly consists of two chambers—the Senate with 59 members and the House of Representatives with 177 members. The state is divided into 59 legislative districts, and voters in each elect one senator and three representatives. In order to assure equal representation of citizens in the General Assembly—in accordance with the one-man, one-vote principle set by the U.S. Supreme Court—the boundaries of these districts change every ten years (following the federal census) to reflect population shifts. Redistricting is the duty of the legislature. Democrats and Republicans often clash when a proposed change in district boundaries shifts the majority in a district from one party to the other (see “Reapportionment begins now! Legislative redistricting will determine the political shape of Illinois in the 1980’s,” page 32, and “Musical chairs in congressional redistricting: Chicago may lose one seat,” page 47).

The state holds a general election in November of every even-numbered year with party primaries held the preceding March. All state representative seats are up for election in each general election, since representatives serve two-year terms. Every ten years, at the general election following statewide redistricting, senators are elected in all 59 districts. But their terms vary so that not all senators will be up for reelection at the same time. During the ten-year period between redistricting, there are two four-year terms and one two-year term for senator in each district.

Members of the Illinois House of Representatives are elected under a unique system of proportional representation called “cumulative voting.” Three members are elected from each district, but the voter may cast all of his/her votes for one candidate (a “bullet” vote) or divide them equally among two or three candidates. Since each major party usually nominates only two candidates for the three available seats, cumulative voting usually guarantees that the minority party will get one House seat in every district.

## The Legislature

A “new General Assembly is established every two years, opening its annual sessions on the second Wednesday in January. Each new General Assembly begins in the odd-numbered year following a November general election; thus the 80th General Assembly was seated on January 12, 1977, and the 81st was convened on January 10, 1979. The first order of business for a new General Assembly is to elect its leadership and organize its committees and rules under that leadership. The Constitution requires the governor to preside over the Senate until it elects its president from among the membership. Similarly, the secretary of state presides over the House until a speaker has been elected from among the representatives. Generally, the party holding a majority of seats in a chamber elects one of its own members to be presiding officer, and the leading candidate from the opposition party becomes the minority leader.

Once the contests for the top leadership posts are over, the Senate president and House speaker appoint their party’s majority leaders, assistant majority leaders and party whips. The minority party leaders also appoint assistants and party whips. The floor leaders, their assistants and whips are responsible for the flow of legislation and the organization of debate leading up to the final vote on bills.

The other key posts in control of the majority party are the chairmanships of the committees. Both the Senate and the House have their own standing committees, and every senator and representative will be assigned to at least one committee. The majority party usually has the chairmanship and a majority of members of each committee. Committees decide which bills will reach the floor for a vote.

Besides the lawmaking power—including passage of appropriation or money bills—the General Assembly also has the power to investigate and oversee the operations of state government and to remove executive and judicial officers (through impeachment by the House and trial by the Senate). In addition, many of the governor’s appointees to top agency positions and various state boards and commissions can officially assume office only after receiving the consent of the Senate.

Compared to other states, the legislative process in Illinois



is open. The public may attend all sessions and committee meetings of the House and Senate, although committee meetings can be closed by a two-thirds vote of the members. There are requirements for notice of hearings, and the actions of the General Assembly and its committees are widely reported in the media and in public documents. But since the number of bills introduced in the two annual sessions of a General Assembly exceeds 5,000, it is often difficult to follow all legislation carefully.

Any citizen can develop an idea for a new law. To actually become a law, however, such an idea must first be introduced as a bill in the General Assembly by a member of either house or by one of the standing committees. The bill must be written in proper legal form as certified by the legislature's bill-drafting agency, and once introduced, does not become law until passed in the same form by both chambers of the General Assembly, and signed by the governor. A "simple majority" (a majority of the members present and voting) is sufficient to pass resolutions or to amend bills before their final passage. But when a bill reaches its final vote in the House and in the Senate, a "constitutional majority"—and in some cases a three-fifths majority—is required. This means a majority of the members elected to each house: 30 of the 59 senators and 89 of the 177 representatives. The final vote must be on a recorded roll call vote. The record roll call on bills which pass is printed in the legislative journals.

Final passage of legislation is the last of many steps required in the legislative process. The following is a detailed explanation of the legislative procedures as outlined by the Illinois Constitution.

## Legislative process in detail

The whole scale of legislative activity has greatly expanded in recent years (see "COOGA revisited: Much of today's General Assembly structure comes from COOGA of the sixties," page 13), but the basic constitutional requirements for the lawmaking process remain the same.

First, a bill must go through "three readings" in each house. "First reading" is the point of introduction and assignment of a bill number. For example, a bill is introduced by Representative John Doe and receives number 262. It is now officially House Bill 262 and is then assigned to one of the standing committees. Let us say that Rep. Doe's bill deals with competency testing of school children. It is therefore assigned to the Elementary and Secondary Education Committee of the House. After proper notice, the committee holds a hearing on the bill, listening to the arguments by the sponsor and any proponents or opponents who wish to testify. The committee can recommend H.B. 262 for passage, with or without amending it, or the committee can take action that will, in effect, defeat it.

If the committee acts favorably on H.B. 262 by a majority vote of its total membership, the bill moves out of committee to the House floor for "second reading." This reading notifies all House members of the action taken by the Education Committee on Rep. Doe's H.B. 262 and provides for the introduction of amendments to the bill which can be passed by a majority of the members present and voting in the chamber. Then the bill moves to "third reading." Approval on third reading means H.B. 262 has passed the House and goes to the Senate. If H.B. 262 fails to receive a constitutional

majority when Rep. Doe calls for the vote on third reading, he is allowed to postpone consideration until a later date. Or, he can allow the bill to die. But if H.B. 262 received the required majority in the House, its house of origin, it goes to the Senate where it moves through a similar procedure of committee and floor action.

The individual who exercises the most control over what happens to a bill is its chief sponsor. Rep. Doe may have many cosponsors for his bill, but H.B. 262 does not "move" except at the request of the chief sponsor, who is responsible for requesting a committee hearing and asking that the bill be called at the second and third reading stages. When H.B. 262 moves to the Senate, Rep. Doe must find a senator to sponsor his bill there. Since a member from the same legislative district is usually chosen, Rep. Doe asks Sen. Jane Smith from his district—and his party—to handle H.B. 262 during the Senate procedures. The control of the chief sponsor extends even to the ability to have a bill tabled if the sponsor is displeased with amendments that have been added.

If H.B. 262 passes the Senate without any additional amendments, it is sent to the governor for his signature. But if the Senate has amended H.B. 262, further action is necessary since a bill must pass both houses in identical form. There are various ways to iron out the differences: (1) The first house may accept the amendments added by the second house; (2) The second house may agree to back down or "recede" from its amendments and accept the original action of the first house, or (3) The membership of both houses may agree to a report of a "conference committee" made up of an equal number of senators and representatives, who usually come up with a compromise. The conference committee report must be adopted by both houses. Occasionally, more than one conference committee is necessary before the two houses agree on the final content of a bill. If the two houses cannot find a solution to their differences, the bill dies. But if agreement is reached, the bill is forwarded to the governor. If the governor signs the bill, it becomes law and receives a public act number. But, if the governor is dissatisfied with the bill, he has the power to veto it.

## Veto powers

Besides directly using the veto power, the governor can influence the legislative process by his criticism or support of a bill. When the governor presents his budget to the General Assembly each March, he makes his views known by the level of expenditures he recommends for programs, agencies, construction and so on. At times, just the governor's threat that he will use his veto power influences the legislature to change a bill to the form he prefers. But, if bills are passed which the governor does not want to become law, he can exercise his veto power. The legislature can override the governor's veto action only if there is a sufficient majority.

The various types of vetoes and possible legislative responses are as follows:

1. "Total veto" of an entire bill by the governor. The legislature can override with a recorded vote of three-fifths (60 per cent) of the members in each chamber (107 in the House and 36 in the Senate).

2. "Item veto" in an appropriation bill which effectively wipes out money for a specific item in a particular program. The legislature can override with the same vote as the total

veto.

3. "Reduction veto" of an amount in an appropriation bill, which reduces the level of state spending for a specific item in a program. The legislature can restore the full amount by a recorded vote of a majority of the members elected to each chamber (constitutional majority).

4. "Amendatory veto" by which the governor recommends revisions to a bill. The General Assembly can accept the governor's recommended changes with a recorded vote of a constitutional majority in each chamber. The governor then certifies the vote, and the bill becomes law in the form he recommended. However, if three-fifths (60 per cent) of the members vote to override the governor's proposed changes on a recorded vote, the bill becomes law in the form originally passed. If neither a constitutional majority accepts the governor's changes nor a three-fifths majority rejects them, the bill dies as if it had been totally vetoed.

## Lobbyists

Legislators are not the only participants in the legislative process. Citizens often write to their legislators to recommend new legislation. But since state law affects virtually every business and interest group, the largest of the public and private interest groups employ lobbyists to represent them in Springfield. Lobbyists watch for the introduction of bills that affect their interest groups. If an interest group wants a law changed, it will also lobby to have a legislator introduce a bill. Lobbyists arrange to testify before committees, suggest amendments and, in general, work to promote or oppose bills depending on the interests of their employers. More than 300 lobbyists are registered with the secretary of state, and most are ethical professionals who take pride in their reputations for integrity. They are exercising, for organized interests, the First Amendment right of petition to government. But bribery to influence legislation has occurred and has led to criminal action against lobbyists and a handful of members of the General Assembly. There have also been legislative attempts to develop more stringent lobbying regulations.

## General Assembly agenda

The General Assembly tries to wind up its business each year by June 30. At that time it recesses until the fall when it returns to act on the governor's vetoes. The June 30 deadline is important because it is the final day of the fiscal year, and appropriations bills should be passed and signed into law by July 1, the beginning of the new fiscal year. Also, the state Constitution provides that any bill not passed by June 30 does not become effective as a law until July 1 of the following year unless it receives approval by an extraordinary majority of three-fifths (60 per cent) of the members elected to each house. In recent years, the legislature has run past the June 30 deadline, and 60 per cent majorities have been required to approve a number of major appropriations bills.

Annual rather than biennial legislative sessions were required by the 1970 Illinois Constitution, but there is still controversy about the time and effort that legislative service requires (see the debate, "Should legislators serve full-time?", page 10). When legislators in 1978 approved a pay raise for themselves which many people considered excessive, public

## The 22 "code" departments

Administrative Services  
Aging  
Agriculture  
Business and Economic Development  
Children and Family Services  
Conservation  
Corrections  
Equal Employment Opportunity  
Financial Institutions  
Insurance  
Labor  
Law Enforcement  
Local Government Affairs  
Mental Health and Developmental Disabilities  
Mines and Minerals  
Personnel  
Public Aid  
Public Health  
Registration and Education  
Revenue  
Transportation  
Veterans Affairs

opinion forced them to modify the raise (see "The pay raise controversy," page 16). The second year of the legislative biennium is marked by restrictions in the rules that seek to limit action to budget and emergency matters, especially because it is a year when primary and general elections occur.

## The executive

Once laws have been enacted, it is the duty of the executive branch to administer them. It is usually necessary for executive agencies, boards and commissions to pass rules to implement legislation. These rules are published in the *Illinois Register*, and processes are established for public notice and hearings before new rules may become effective.

Unlike the national government with the president as the single "chief executive," Illinois has six elected executive officers and two executive boards mandated by the state Constitution. The six officers are elected statewide and serve four-year terms. Starting in 1978, the election of all six statewide executive officers will be held in even-numbered years midway between presidential elections. It is hoped that electing the governor and other executive officers two years before and after presidential elections will eliminate the possibility of candidates being carried into state offices on "the coattails" of presidential candidates.

The governor exercises "the supreme executive power." He appoints directors of the state "code" departments, members of state boards and other state officials, subject to the consent of the Senate. He can also remove his appointees. While he does not have the power to remove other elected officials, he can require them to supply information on the operation of



their offices. The governor may also grant pardons and shorten sentences for offenders.

The lieutenant governor is elected jointly with the governor to assure they are of the same political party. He has no constitutional responsibilities other than to exercise powers delegated by the governor or prescribed by law. In case of the death or disability of the governor, the lieutenant governor assumes the higher office.

The other four elected officers are the attorney general, comptroller, treasurer and secretary of state. They exercise responsibilities of major importance in limited areas. When members of the political party opposite the governor occupy any of these offices, they usually lead the opposition to the administration.

Under the Illinois Constitution, the attorney general is the chief legal officer of the state. He issues legal opinions on questions submitted to him by government officials in the state. When a state agency goes into court or appears before a quasi-judicial board, it is represented by the attorney general.

The comptroller maintains the central fiscal records and holds sole authority to order money into and out of the state treasury. The office was created by the 1970 Constitution. An additional check on state finances is provided through the treasurer who is the custodian of state funds. One of his responsibilities is to keep funds invested at all times to gain maximum interest.

The secretary of state is the official "recordkeeper" of the state. Acts of the legislature are filed with his office, and after each session he publishes the laws enacted. The secretary of state also administers motor vehicle registration and driver licensing laws, charters corporations and regulates the issue of securities. He publishes the *Illinois Register* which lists the administrative rules set down by state agencies, and he directs the operation of the state library.

The two executive boards are relatively new. Mandated by the 1970 Illinois Constitution, they are the State Board of Education and the State Board of Elections. The General Assembly has the power to determine the number of members and selection method of these boards. The General Assembly decided that both boards would be appointed by the governor. The State Board of Elections administers voter registration and election laws. The State Board of Education appoints the state superintendent of education, a position which had been an elected office prior to the new Constitution. The superintendent administers the Illinois Office of Education. But while the State Board of Education is appointed by the governor, it may—as it did for fiscal 1980—propose a budget for state aid to education which the governor felt he could not support (see "How much school support can the state afford?" page 87).

## Executive reorganization

A governor's ability to function effectively depends partly on the structure of the executive agencies and partly on his own leadership and administrative skills. The fact that he can remove any official whom he appoints gives him a great deal of control. He also derives power from his constitutional authority to reorganize agencies and to initiate the budgeting process.

The 22 departments created by the Civil Administrative

Code are directly responsible to the governor (see box, "The 22 code departments"). The governor appoints the directors of these departments, and they usually serve only during that governor's administration, similar to the cabinet officers of the U.S. president. The governor also appoints the principal officers of board members in many other agencies (see box, "Major nondepartmental agencies"). But, in nondepartmental agencies the governor's control varies because members of multi-member boards and commissions serve terms overlapping that of the governor. Some of these boards and commissions are very powerful in their specific areas. An example is the Illinois Commerce Commission which regulates public utilities, trucking and railroads.

The Illinois Board of Higher Education (IBHE) is considered the coordinating agency for higher education and is appointed by the governor with the consent of the Senate. The University of Illinois Board of Trustees, which is elected statewide, reports to the IBHE. All other public colleges and universities are governed by four other boards, which also report to the IBHE and are appointed by the governor with the consent of the Senate. Declining college enrollments have led to strong competition for state support of higher education (see "College enrollment decline: the end of the baby boom in the early 1960's means a drop in the college-age population in the 1980's," page 84, and "Community College Finances: Who's on first?" page 79). In addition, state support of higher education is seen by some as threatening private college (see "Will private colleges survive? Competing with state-supported schools for a shrinking student population," page 76).

The governor's power to reorganize executive agencies is limited to the agencies "directly responsible" to him. Such reorganizations are subject to veto by either house of the General Assembly within 60 days after the governor files a reorganization plan. This power was granted in the 1970 Constitution and was exercised for the first time in the spring

### Major nondepartmental agencies

Banks and Trust Companies Commissioner  
Commerce Commission  
Capital Development Board  
Court of Claims  
Environmental Protection Agency  
Fair Employment Practices Commission  
Historical Library  
Industrial Commission  
Institute of Natural Resources  
Liquor Control Commission  
Military and Naval Department (Adjutant General)  
Pollution Control Board  
Racing Board  
Savings and Loan Commissioner  
State Fair Agency  
State Fire Marshal  
State Tollway Authority  
Vocational Rehabilitation Division

of 1977 when Gov. Thompson used executive orders to reorganize the Department of Law Enforcement and to merge the departments of Finance and General Services into a Department of Administrative Services.

## **Governor's budget**

The governor's most effective management tool is the state budget, which is shaped for him by the Bureau of the Budget. The Constitution directs the governor to prepare an annual budget and submit it to the General Assembly. Proposed expenditures, the Constitution says, are not to exceed funds estimated to be available during the year. The deadline for budget submission is the first Wednesday in March for the fiscal year which begins four months later on July 1.

The budget is the governor's plan for managing the state for the coming fiscal year. But it is the legislature which must pass the bills authorizing the money for each and every item of state spending. Bills to appropriate money are introduced by members of the legislature just like any other bill. There are usually appropriations bills identical in amount to the governor's recommendations on each item in his budget. But not every appropriations bill will agree with the governor's budget. Some would give lower amounts than his recommendations and others would fund new programs not included in the budget. Appropriations bills are usually introduced at the end of March or in early April and are assigned to the House or Senate appropriations committees where the conflicts begin along sectional and party lines. Once appropriations bills are passed, they go to the governor who can use his veto power to reduce or strike out items, but he cannot increase an appropriation.

## **The courts**

Illinois' judicial system includes the Supreme Court, the Appellate Court and the circuit courts. The state has a "unified" court system which means that there are no special courts with local jurisdiction. The circuit courts have general original jurisdiction over all judicial matters. The Appellate Court hears appeals from the circuit courts. It also hears appeals from certain administrative agencies, such as the Pollution Control Board, as determined by the General Assembly. The Supreme Court hears appeals from the circuit courts or the Appellate Court as determined by Supreme Court rules. It also administers the entire court system through the Administrative Office of the Illinois Courts.

All judges in Illinois are elected. The state is divided into five judicial districts for the election of Supreme and Appellate Court judges. Cook County is one district, and the rest of the state is divided into four districts of approximately the same population. Three Supreme Court judges are elected from Cook County and one from each of the other districts. The state is also divided into 21 judicial circuits for the election of circuit court judges. Supreme and Appellate Court judges serve terms of ten years, and circuit judges have six-year terms. Election is initially by partisan ballot, but at the end of a judge's first term he may file for "retention" and be retained for another term, without running against another candidate and without party designation. All that is required is a favorable vote of three-fifths of those voting on his retention. Vacancies are filled by the Supreme Court until an

election can be held.

The circuit court judges in each circuit elect one of their number as the chief judge for administrative purposes, and they appoint associate judges for terms of four years to hear small claims, traffic offenses and other matters. A circuit court clerk is elected in each county. Appellate Court clerks are appointed by the Appellate Court judges in each district, and a Supreme Court clerk is appointed by that court.

## **Judicial misconduct**

As a means of checking on possible misconduct of judges, the 1970 Constitution established a Judicial Inquiry Board. The board consists of two circuit court judges appointed by the Supreme Court, and seven persons—three of whom are lawyers—appointed by the governor with the consent of the Senate. The Judicial Inquiry Board receives complaints and makes investigations with respect to the conduct of judges. The board can then file a complaint with the Courts Commission (also established by the Constitution). The commission consists of a Supreme Court judge, a chairman appointed by the Supreme Court, two Appellate Court judges appointed by that court, and two circuit court judges appointed by the Supreme Court. The commission can discipline a judge for misconduct to the extent of removing him from office.

## **Politics and government**

The structure and processes outlined above provide a broad formal framework in which to examine the way Illinois is governed. But decisions in government are part of the political process, and politics involves a number of non-governmental organizations including political parties and interest groups. The actual enactment and implementation of public policy is a fascinating process that mixes the formal and informal aspects of government. Sometimes the process is dynamic; sometimes it is very slow. Always, there is an element of unpredictability.

Illinois politics cannot be understood solely in terms of party politics. New coalitions spring up around issues and candidates like prairie grass around farm ponds. But for the larger divisions, the state has historically been split along geographic lines. Today the sectional divisions are basically these: Chicago is Democratic; the suburban "collar counties" around Chicago are Republican; Downstate is split between the two parties. "Downstate" for both major parties means any county outside Chicago and Cook County. Thus Rockford north of Chicago near the Wisconsin border, is "downstate" to Illinois politicians. Election analysis now shows that Democratic voters in Chicago are almost evenly balanced against the Republican voters in the six collar counties around the city. It is becoming more important for the political parties to campaign in the downstate areas in order to carry a statewide election for a candidate.

The strongest voting bloc in the General Assembly is the Chicago Democrats, who often compete with suburban Republicans. A good example is state spending for the Regional Transportation Authority (RTA), which was created to serve a six-county area including Chicago. The suburbs feel they do not get their fair share of local, state and federal RTA funds to develop public transportation services in their areas.



Downstate is not one unit politically, but a patchwork of Republican and Democratic areas. In the General Assembly, representatives from Downstate may vote along party lines or join on issues. They may conflict with each other over state funds for roads. On the other hand, state aid to schools is an issue which may unite Downstaters against the Chicago representatives.

In December 1976, the strongest leader the state Democrats have ever had died. Chicago Mayor Richard J. Daley had more legislative influence or "clout" as mayor and Cook County Democratic chairman than any governor of his time (see "The Daley Legacy" on page 18 for Part I, "Daley's political theory: Intuition and power," and on page 23 for Part II, "Daley's secret was votes and pros"). Daley was succeeded by Michael A. Bilandic, but Bilandic lost the Democratic nomination in the mayoral primary in February 1979. The new mayor of Chicago is Democrat Jane Byrne. There is another Daley emerging in Illinois politics. One of the late mayor's sons, Richard M. Daley, is serving in the Illinois Senate; will he follow in his father's footsteps? (See "The eldest son: Senator Daley responsible for new mental health code," page 117.)

Illinois is a key state in national affairs. The eventual fate of the proposed Equal Rights Amendment to the federal Constitution depends in part on voting in the Illinois General Assembly (see the debate, "Should ERA be ratified?" page 56, and another debate, "The ERA Boycott?" page 52). But many of the most important decisions are made at the local level of government (see "Is collective bargaining a good bargain? The local government scene," page 27). And the average citizen becomes familiar with the decisionmaking process (see "How to present your proposal: A common

sense guide for dealing with boards, committees, commissions," page 119). One of Illinois' most influential individuals is not a public official but a private citizen (see "Rev. Jesse Jackson's 'push' to 'excel': From country preacher to civil activist to moral leader," page 113).

Basic to the prosperity of Illinois is its farmland; it is in danger (see "Illinois' shrinking farmlands: You can't grow corn on asphalt," page 100). The state's continuing economic growth is also dependent on attracting new industry and retaining businesses already located in the state (see "The Industrial Sweepstakes," page 96, and "Rising rates for worker's comp: Where does Illinois really stand when compared to other states?", page 104). Pressing social problems call for solution (see "Prisons: What's going on behind the walls?", page 91; "Child abuse: How can it be stopped—prevention or prosecution?" page 88; and "Analyzing Class X under the U.S. and Illinois constitutions," page 111).

Understanding government comes not only from study in the classroom and reading *Illinois Issues* and this *Annual*, but also from what we see on television, hear on the radio and read in the press. These aspects of the media are examined in two articles (see "Should radio and TV be allowed in the courtrooms?" page 108, and "Suburban papers competing with the 'big boys' downtown," page 109).

Government is faced with making decisions. And everyone wants their way: Republicans, Democrats, upstate, downstate, business, labor, environmentalists, farmers, minorities and many others—including the individual citizen and taxpayer. And in a democracy, they will have their say. But in the end, the decision by government will probably be a compromise arrived at through a process which is complicated, colorful and, at times, maddening.

IT WOULD appear that nothing has damaged our system of government more than the tendency of state legislatures and Congress to become full-time occupations for their elected members. This unfortunate development has directly resulted in an enormous expansion of the function of government at all levels, as elected officials have come to view their legislative tasks as full-time responsibilities rather than public services.

In any occupation, the urge to justify its existence results in an inflated sense of importance. As the legislature becomes more full-time oriented, it creates new programs, expands old ones and manufactures solutions to problems which sometimes do not even exist. The tendency to justify a full-time legislature results in expansion of government into areas that would stretch the imagination of many of the framers of our original state Constitution.

And, individual full-time legislators, in order to justify their existence, produce more legislation covering more areas and appropriating more monies than the entire body did 50 years ago.

As legislative service becomes more of a full-time occupation, there is an inevitable tendency for government to grow larger and more expansive in its efforts to justify its existence. With each of the new programs created, two new interest groups are created, both of which are dependent on the actions of the legislature for their existence. These two groups are the beneficiaries of the new programs and the bureaucracies created to administer them. Their voices then exert additional pressure on the legislative body for their perpetual exis-

A self-employed businessman and a part-time legislator, he is a Republican representing the 3rd District.

The full-time legislator, in contrast to those who actually work in the trades or professions, has little idea of the impact of programs on those they hope to benefit

tence and expansion. The less the legislature is exposed to these interest groups, the less the pressures to increase these funds, thereby restraining the growth of government.

This proportional relationship between the growth of government and the tendency toward a full-time legislature has caused a rise in the rate of income consumed by government in the form of taxes at the federal, state and local levels from 10 per cent in the early 1900's to almost 45 per cent today. In those states which have retained the citizen-legislator concept, the pressure has not been as great to increase the functions of state government, and their rate of increase in the cost of state government has not accelerated nearly as fast as that of states whose legislative bodies meet more frequently. For example, the top three states in per capita tax collection — Alaska, New York and California — have no limit on their legislative sessions, whereas at the other end of the spectrum, the bottom three — Arkansas, Alabama and Mississippi — have definite limits on the amount of time their legislatures can be in session. In fact, among the top 15 states in per capita tax collection, eight have no limits on the length of their sessions,

including Illinois which ranks thirteenth. Of the bottom 15 in per capita tax collection, 12 have definite limits on the lengths of their sessions.

Unfortunately, even the states which have maintained the citizen-legislator have been adversely affected because the federal government promotes programs nationwide that require state funds and state administration. In addition, new programs created in states with full-time legislatures soon gain recognition in the citizen-legislature states.

The tendency toward a full-time legislature greatly diminishes the expertise that the citizen-legislators can bring to the legislative chambers. No political theoretician or full-time politician can match the range of experience and knowledge in the various trades and professions from which citizen-legislators more traditionally come.

In Illinois we are beginning to experience the diminution of the role of the citizen-legislator. Today approximately 44 per cent of the Illinois House and 27 per cent of the Illinois Senate are made up of full-time legislators. This trend toward full-time legislators has been accelerating rapidly since the advent of annual sessions, and the trend is not a good one.

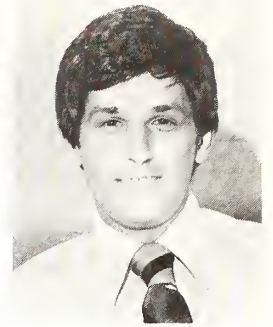
The full-time legislator, in contrast to those who actually work in the trades and professions, has little idea of what impact the myriad of programs being created will have on those they hope to benefit or regulate. In addition, we have seen a reduction in the average age of the members of the Illinois General Assembly and correspondingly, a reduction in the experience they bring to that body.

An interesting phenomenon is occurring in Illinois because of our trend toward a full-time legislature. As the occupation becomes full-time, more

Continued at top of page 12.



**YES YES YES YES YES  
YES YES YES YES YES**



## serve full-time?

MY ANSWER to the question of whether state legislators should serve on a full-time basis is an unequivocal yes.

As the complexion of state government has changed over the past few decades, so has responsibility for members of the Illinois legislature. The literally hundreds of programs which have been created on the state and federal level have made legislative service much more complex, intricate and challenging than in prior eras.

Gone are the days when a legislator was expected to be in session for just a few weeks per biennium to approve the state budget and do little else. Also gone are the days when a constituency demanded little more than answers to letters and, perhaps, the resolution of minor problems.

State government has become more diverse, and the traditional role of the legislature must change and adapt to a rapidly changing society and its demands for services and solutions.

Yet, full-time legislators are a recent phenomenon. In 1941, a member of the Illinois House, for the first time, listed his occupation as "legislation." That same description was used by a member of the state Senate for the first time in 1963.

During the present decade, however, the number of full-time legislators serving in the General Assembly has increased dramatically. Today, 44 per cent of the House members and 27 per cent of the Senate consider themselves full-time.

Statutorily and traditionally, service in the General Assembly has been regarded as part-time. Even so, more and more legislators are forsaking that traditional role to develop more fully the public service role of their offices.

Opponents of the concept of full-time legislators often adhere to the older traditions of legislative service, citing

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Because of the size  
and complexity  
of state government,  
a legislator today  
must work harder  
and longer in order  
to perform satisfactorily

---

the pre-1870 notion that the General Assembly be composed of so-called "citizen-legislators." The "citizen-legislator" may have been a perfectly acceptable role in our past history, but, in the post-Depression era, it has become less and less relevant.

For example, the 42nd General Assembly (1901-02) met in biennial session for 74 days, succeeded in passing only 187 of 1,225 bills introduced, and enacted a biennial budget of approximately \$12 million. In contrast, the 79th General Assembly (1975-76) spent an average of 178 days in session. During that period a total of 6,082 bills were introduced of which 1,783 were sent to the governor.

Moreover, since the 1970 Constitution requires annual budget sessions, the amount of expenditures approved by the General Assembly averages approximately \$9 billion per year — a far cry from earlier legislatures.

The evidence suggests that if a legislator today wishes to perform satisfactorily, a much greater degree of time and effort must be put forth. Specifically, a member of the Illinois General Assembly in the 1970's must become acquainted with thousands of pieces of legislation of major and minor importance, all of which will affect at least some segment of the population in a

positive or negative manner.

In addition, a legislator, yearly, must become acquainted with, and digest, billions of dollars in appropriations requests included in the budgets, or amendments thereto, of hundreds of state agencies. Also, legislators have the responsibility to attend meetings of related committees, subcommittees and commissions which meet throughout the year.

In recent years, the General Assembly has made more active use of subcommittee hearings during off-session times. A conscientious legislator must have time available for these sessions. And, as the number of permanent and temporary commissions has risen from one in 1900 to 100 in 1978, time must be made available so that commission work may be conducted in the most productive manner possible.

On the local level, legislative responsibility has also increased. The growth of government programs has meant an increase of available services on an individual or municipal basis. Not only has demand to be informed of these services increased, but the expectation that a legislator be available to serve as a governmental liaison when questions and/or problems arise has become more prevalent.

The traditional legislative role has also changed simply because of the increased size of legislative districts. As the size of districts increases, so do the number of persons who contact legislators for assistance or information. In 1901, the population of Illinois was approximately 4.8 million. The average population of the 51 legislative districts

*Continued at bottom of page 12.*

TERRY A. STECZO

A full-time legislator, he is a Democrat representing the 9th District.



# NO

Full-time legislators  
tend to be more  
influenced by the media  
and insulated from  
their constituents

(Continued from page 10.)

members of the body are dependent solely on the income that their service in government provides and, of course, their continued receipt of that income is dependent on their ability to be reelected.

Unfavorable media publicity can destroy the full-time legislator's liveli-

hood. Rather than reflecting his constituency, the full-time legislator tends to reflect what the media is saying so he can maintain his job and his income. This has led to the enormous increase in the influence of the media to not only nominate and elect candidates, but also to influence the issues that the body deliberates. The result, of course, is that eventually the full-time legislator becomes insulated from his constituency and places undue importance on the media relationships rather than on constituent communications.

We need look no further than to our Potomac Fraternity, the federal Congress, for how the full-time legislator has become insulated from the American citizen.

We need look no further than to our own state: since the advent of annual sessions just eight years ago, we have doubled state spending. □

# YES

A full-time legislature  
might regain much of the  
authority that has been  
lost to the executive and  
to special interests

(Continued from page 11.)

was 94,500. Today, there are 59 legislative districts in a state with a population of over 11 million. The average population per district at the time of the last reapportionment (1971) was over 188,000.

Included within the boundaries of each district are numerous municipal and other local governing bodies, such as school, park and library districts. Each has diverse, complex problems about which legislators are consistently contacted for assistance and remedies.

Be it to solve individual constituent, local or state problems, in or out of session, a legislator today must be accessible. Surely, the time demands placed upon legislators today, as well as the scope of issues and problems with which a legislator must contend, makes the concept of a part-time legislator outmoded.

If, on the other hand, full-time service in the legislature were mandated, other benefits to Illinoisans and the legislative process might be realized.

First, possible conflicts of interest would be greatly minimized.

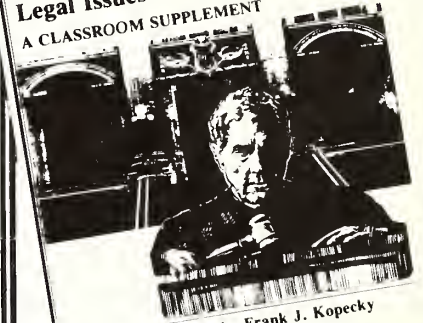
Second, relief could be given to standing legislative committees which must, in many cases, approve or defeat many bills with a minimum of review or debate so as to meet self-imposed deadlines.

Additionally, sponsors of comprehensive and controversial measures might be given valuable time to develop their proposals, rather than placing them on an interim calendar, where they may not reappear until the next General Assembly convenes, due to limitations imposed on even-year sessions.

A full-time legislature could devote adequate time during the summer recess to properly study and debate major issues which otherwise might be postponed indefinitely. And, by doing so, it might recapture much of the legislative authority which has been abdicated to the executive branch or special interest groups.

The part-time legislator is fast becoming the Edsel of state government and rightfully so. Citizens are demanding better government and more responsive elected officials. If the work product of a full-time legislator assists in realizing these demands, the citizens of Illinois can only benefit. □

## Current Illinois Legal Issues A CLASSROOM SUPPLEMENT



Edited by Frank J. Kopecky

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Much of today's General Assembly structure  
comes from COOGA of the sixties

## COOGA revisited

Commission on the Organization of the General Assembly, Representative Harold A. Katz, Chairman. *COOGA: 10 years later/ Report on the implementation of the 87 recommendations made in 1967 by the Illinois Commission on the Organization of the General Assembly* (May 1977), 60 pp.

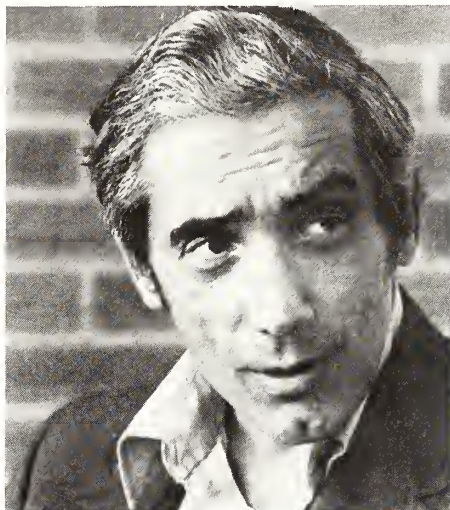
HAROLD KATZ was the sponsor of the legislation in the 1965 General Assembly which created the Commission on the Organization of the General Assembly, and he was — and has been — its chairman, so that it would have been logical to call it the Katz Commission, and many did, except that former Sen. W. Russell Arrington insisted on calling it “COOGA,” an acronym so distinctive that it stuck and now is officially acknowledged in the title of the commission's latest report.

Looking back, what Harold Katz accomplished as a freshman legislator in 1965 in obtaining passage of H.B. 163 was remarkable. He had two things working in his favor: (1) support for the idea of streamlining the legislature by one of the most remarkable men of our time to sit in the Illinois Senate, W. Russell Arrington, a Republican multimillionaire from Evanston, and (2) the extraordinary events that had led to the election of a House with 118 Democrats and 59 Republicans, many of them able, ambitious new members, exemplified best, perhaps, by Adlai E. Stevenson III, who launched his political career by topping the Democratic ticket in the 1964 at-large election for the House (*see accompanying box*).

Would Katz — a Democrat from the

WILLIAM L. DAY

As research director of the Legislative Council (1960-1974), he served through a period of legislative reform.



Harold Katz

Republican North Shore — have ever made it to the legislature without the unprecedented at-large election? Certainly if he had, the legislature would not have cottoned to his reformist ideas. It had been the kind of a legislature that frequently bypassed its own committees by advancing bills without committee consideration.

But Katz was not a greenhorn about Springfield. He had been one of the young attorneys whom Dawn Clark Netsch (then Dawn Clark), as legal aide to Gov. Kerner, had summoned to Springfield at the close of each session to help her review bills. Kerner's vetoes made an excellent record for him from the viewpoint of Democratic party liberals; Ms. Clark saw that the messages were printed and easily accessible.

A Kerner veto, as it turned out, brought Katz to the House along with many other high-minded newcomers bent on reform. But the Senate was still unrepentant and unreformed in 1965. Yet even there unusual things were happening, and the most unusual was the election of Arrington as president

pro tempore of the Senate. Arrington had served in the House from 1945 to 1954, when he was elected to the Senate. As a Legislative Council member, Arrington along with then state Rep. Abner J. Mikva, had sponsored the Legislative Staff Internship Program which was to teach legislators the usefulness of staff and provide much of the early talent for staffing.

A bill similar to that sponsored by Katz had been introduced by Harris W. Fawell, a Republican from Naperville who in 1963 had been voted “best freshman senator” in a poll of downstate newsmen. Although Arrington helped push Fawell's bill, the Katz bill was eventually signed into law by Gov. Kerner. Fawell became vice chairman of the commission, and Marjorie Peabworth, a first-term Republican representative, became secretary. Arrington as president pro tempore of the Senate was an ex officio member as was John P. Touhy, then speaker of the House, now chairman of the Democratic State Central Committee. (The 1977 publication lists the full membership of the original COOGA.)

It is a measure of the unusual successes of COOGA that a current reading of how the 1967 recommendations have been implemented produces a “so-what-is-new?” reaction. The Senate, for example, installed electronic voting equipment in 1974 — seven years after the recommendation was made and at least a quarter of a century after the House stopped relying solely on oral roll calls. But when this sensible suggestion was first made by COOGA, Senators refused to listen.

Other procedural changes include a schedule of legislative deadlines to move bills ahead toward the traditional June 30 adjournment in order to avoid a crush of business, the “logjam” in the closing days and nights of the session.



Movement of bills to passage without a committee hearing is almost unheard of nowadays, but it was common practice in 1965 and before. COOGA's first report said that about a third of the bills in 1965 moved to passage without ever being considered in committee. Proxy voting has been outlawed in committees although some say proxy votes are still accepted in some Senate committees. Bills carry on their face a synopsis; bills must be processed by the Legislative Reference Bureau to assure correctness of form.

Recommendations to enable legislators to do their job better have also been implemented. When Katz came as a freshman representative he found he had only a desk in the chamber to work at, and he had to depend on help from a stenographic pool to answer letters. Legislators now have offices and secretaries in Springfield and money to help

cover the cost of an office and staff in their districts; the committees and the leadership have space to meet and work in Chicago; and the staff has been expanded in the auxiliary agencies to the General Assembly such as Legislative Council, Reference Bureau and State Library government reference section.

Much of what COOGA proposed had to wait for constitutional change, and this change started with another commission, the Commission to Study the Constitution, chaired by the same Marjorie Pebworth who was secretary of COOGA. She died from diabetes and overwork before the resolution to call a constitutional convention was adopted by the House in 1967. In a sense, the Constitution of 1970 that resulted is a memorial to the efforts of this woman who in her youth worked for the Indiana Legislative Reference



W. Russell Arrington

Bureau in Indianapolis (she was a Hoosier and is buried in that state) and who became familiar with the Illinois

## Setting the stage for legislative reform

The chain of events which eventually led to COOGA and a new Constitution began in 1948 when Adlai E. Stevenson, father of Adlai III, took office as governor. He wanted a new constitution, but the legislature would not place the question of calling a convention on the ballot, so Gov. Stevenson settled for a "gateway amendment" to make it possible to amend the 1870 Constitution which had not been changed in 40 years. The nonpartisan campaign which led to adoption of the 1950 gateway amendment was headed by a Chicago lawyer, Samuel W. Witwer, later president of the Constitutional Convention of 1969-70.

But it was Gov. Stevenson's successor, Gov. William G. Stratton, who engineered the first fundamental reform of the legislature in half a century by obtaining legislative approval of a reapportionment amendment in 1953 and its popular ratification at the polls in 1954. The legislature had last been apportioned in 1903. From then on, Chicago's growing population threatened to give Chicago and Cook County control of both houses if population were

the basis for the apportionment of districts as the 1870 Constitution directed, but downstate lawmakers sidetracked apportionment bills. The Stratton amendment offered a compromise: the House was to be apportioned according to population (which could give Cook County control), but Cook County was to be limited to 24 of the 58 Senate districts with Chicago getting 18 of the 24 districts.

Enactment of a reapportionment law in 1955 was pushed through under threat of two extraordinary provisions written into the 1954 reapportionment amendment: First, if the legislature did not act by July 1, a bipartisan commission would make the apportionment. The commission was to consist of five Democrats and five Republicans, chosen by the governor from lists submitted by the central committees of the two major parties. Second, if the commission failed to reapportion by December 31, all 177 members of the House were to be elected — not by districts — but at large across the state. It was thought prudent to write into the reapportionment amendment the fall-

back on the commission and at-large election in case the legislature again failed to reapportion.

When reapportionment was required again in 1963, a bill was passed by the Republican majorities in both houses, and then an unanticipated event occurred: a veto. Gov. Otto Kerner's veto message cited disparities among districts in population such that the largest district had 74 per cent more population than the smallest. He cited as an example Lake County, with 293,656 population and growing, which constituted one district. Twelve other districts, he said, had a population less than half of this district.

The veto occurred after *sine die* (final) adjournment of the legislature, and there was no chance to act on it, and anyway the Republicans lacked the necessary two-thirds majorities required by the 1870 Constitution to override. So, the commission was formed. Republican and Democratic state central committees submitted their lists of 10 names each to Kerner, and he appointed five from each. Commission negotiations continued for months behind closed doors. As the December 31, 1963 deadline approached, the press kept a vigil on the conference room in Chicago; midnight passed — no plan. Illinois awoke on New Year's Day 1964 with a special hangover, the prospect of an at-large election for 177 state representatives.

Instead of a Republican majority in the House, the Democrats won a top-heavy majority of 118 to 59 Republicans in the November 1964 election.



legislature as an unpaid lobbyist for the League of Women Voters.

The efforts of Arrington, Katz, Pebworth and many others have changed the Illinois legislature from an assembly that reacted and often went along with the recommendations of the governor to a body which itself initiates and fights for its own conceived programs. One may or may not admire overriding the governor's vetoes of the laetrile bill and the bill to ban abortions at public expense, but what one needs to realize is in the century from 1870 to 1969 only four vetoes were overridden. The 1967 COOGA report found that "Executive vetoes have killed between an eighth and a sixth of the bills passed by the Illinois General Assembly in recent sessions." Because the legislature was in the habit of adjourning *sine die* — that is, finally and without recourse — on June 30, it never had the opportunity to act on vetoes. As a result of COOGA's recommendations, the General Assembly found it could return in the fall of 1967 and 1969 to act on vetoes. And so on January 8, 1969, in its dying hours, the 75th General Assembly overrode Gov. Sam Shapiro's veto of a legislative pay raise — the fourth override in a century. Overrides of vetoes have become much more usual since, in part because of the relaxed requirement to override in the 1970 Constitution (a three-fifths vote in each house instead of two-thirds) and in part because of the conflict between the governor and the legislature.

Gov. Richard B. Ogilvie deserves the credit for implementing another COOGA recommendation, that no legislative agency should participate in pre-budget hearings. COOGA in 1967 had charged that as a result of this participation, "Whether budget figures represent choices made by the Governor or choices made by a legislative commission is . . . a question shrouded in mystery." But the legislative Budgetary Commission survived until Ogilvie created a Bureau of the Budget and denied the commission access to agency budget requests in the preparatory stage. In 1972 the legislature abolished the Budgetary Commission or, at least, reshaped it into the Economic and Fiscal Commission.

The COOGA report is evidence of the ability of a state legislature to learn how to manage its business better and to secure changes in the Constitution, but

the success of COOGA and others in converting the legislature from a reactive to an initiating body has brought about extreme demands that legislators a generation ago would have considered outrageous. Consider these figures:

	1963	1975-76*
Days in session: House	70	177
Days in session: Senate	72	157
Bills introduced	2,916	4,584
Bills enacted	1,444	1,297
Per cent enacted	50%	28%

\*To July 1, 1976

It may be that it takes this much time and effort for the legislature to perform as a true check on the executive branch of state government. But there are signs that the legislature is losing its character as a body which represents the average citizen and shares his or her concerns by viewing legislating as a secondary occupation. In the 1963-64 session, only seven members listed their occupation

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### *COOGA: 10 years later* documents a tremendous enhancement of the capacity of the legislature to play its role as one of the three branches of state government

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as "legislator." In the 1975-76 session, 75 did so. What this means, of course, is that these individuals consider being a lawmaker their primary occupation. Theoretically this should reduce their independence. Has it done so? This is hard to measure, but on the whole we have a legislature that seems much more independent than the legislature was 20 years ago. At least, it is more independent of the governor, but it may be more susceptible to special interest groups.

It is undeniable that *COOGA: 10 years later* documents a tremendous enhancement of the capacity of the legislature to play its role as one of the three coordinate branches of state government, by reforming procedure and by equipping legislators with the tools to do a good job. But as a lawmaking body, the legislature is far from perfection. One can overlook, perhaps, a drug conviction thrown out in court (as happened last fall in Cook County) because the legislative act

misspelled the name of the drug. And perhaps the achievement, some decades after the idea was first broached, of a consolidated schedule of elections is great enough to excuse the errors in the bill that was passed last spring — halving the terms of some elected municipal officials for example. (The 1977 fall session corrected the errors.) But why hasn't the legislature ever gotten around to implementing COOGA Recommendation No. 75, for "adoption of an official code of laws and for its continuous revision as to form?" The 1977 report merely says, "This subject is being explored . . ." (See Richard M. Hull, "Computer paves way for new code of Illinois laws," Feb. 1976, pp. 17-19.)

Some legislators object to the governor's amendatory veto, but it was created as an attempt to provide a quick solution to technical errors in bills, and these errors do continue to occur. From 1963 to 1975, in response to impetus from COOGA, the professional staff of the legislature, excluding its auxiliary agencies, increased from a score of people to more than a hundred, and expenditures by the legislature on itself (again excluding auxiliary agencies) rose from \$6.9 million to \$23.6 million. Why is not the legislative product technically better? Who reads bills before they are finally acted on?

Why did the legislature wait until the 1977 fall session, which was almost the last minute before a federal deadline, to pass amendments to the unemployment compensation law so as to avoid heavy federal tax burdens for noncompliance? Why did the legislature take 14 months to agree on a constitutionally and politically acceptable State Board of Elections bill?

In what some still call the "good old days," the governor of Illinois, the mayor of Chicago and legislative leaders worked out the answers to problems of this kind — something that staff, no matter how brilliant, cannot do. Perhaps the answer lies in the fact that when Dan Walker was in the executive mansion (1973-1977), Illinois had no governor in the traditional sense, just as today Chicago has found no equal to Richard J. Daley as a mayor. Or it may well be that this new kind of a legislature, one that does not react but initiates, still has to evolve its own internal patterns of leadership and problem solving. □

## The pay raise controversy

THE NOVEMBER 29 pay raise was perhaps the most unpopular action the legislature has undertaken in the last four years. The method and timing of the pay boost were more upsetting than the amount, but the bad example set by a 40 per cent pay increase for Illinois' top public officials may cause the most long-lasting damage. At the very least the raise is symbolic of the distance between the people and their leaders.

In a single day, November 29, legislators passed into law Senate Bill 255, amended to grant \$8,000-a-year pay raises to legislators, judges, clerks of the appellate and Supreme courts, the top six statewide elected officers, the auditor general and many others (see "Legislative Action" for details). The legislators' pay boost — from \$20,000 to \$28,000 — makes them effectively the highest paid in the nation. California lawmakers are paid \$30,799 per year, but they must cover all their living expenses with this salary, while Illinois legislators receive \$36 in expense allowances each day they are in session and mileage allowances for travel.

The method of engineering the pay raise was itself suspect. The raise was amended onto a bill giving travel expense increases to legislators — from the present 15 cents per mile up to 20 cents. Lawmakers got around the constitutional requirements of three readings in both houses and public input through committee hearings by attaching the pay hike to a bill which had already passed the House and was on third reading in the Senate. The Senate amended and passed the bill, and the House concurred within hours. Then the pay raise was almost immediately vetoed by the mechanical pen of a vacationing governor and passed into law on override votes of 37-21 in the Senate and 110-58 in the House. Finally, the bill was filed in the Secretary of

State's office. The entire process took just five hours and 37 minutes.

Only the governor's immediate veto allowed such swift lawmaking. Had Gov. James R. Thompson delayed application of the veto — as he usually does — there would have been time for a public and media response that might have changed the vote on the eventual override. Thompson had promised he would veto a pay raise, and he did. But he did not "stop" the pay raise. A flood of irate letters to newspapers, editorials, talk show comment and other public response displayed outrage at the pay hike and at the governor's timely veto, even though Thompson said "there was no deal."

Under the state Constitution a governor has 60 days to consider a bill before it becomes law. Had Thompson withheld his veto for 42 days until a new General Assembly would be seated, or until the 80th General Assembly was permanently adjourned, there would have been no opportunity for an override. But the governor said he did not want to play such games with the legislature.

The legislature's passage of the pay raise after the general election was criticized, but the last legislative pay raise also came during a lame duck session. In the 1975 lame duck session, legislators boosted their salaries 14 per cent, by \$2,500. Elected government officials cannot grant themselves immediate pay hikes; raises are always effective at the beginning of the next term. This is a constitutional restriction and is the reason the legislature rejected the concept of voting for a step pay increase, spread over a period of years.

The 40 per cent pay raises upset President Jimmy Carter, who had in October requested voluntary economic controls that would limit pay increases in the private and the public sectors to 7

per cent. But the Illinois lawmakers didn't get all the criticism because Cook County Board members increased their salaries by 30 per cent while Chicago aldermen gave themselves raises of 60 per cent.

Alfred E. Kahn, chairman of the President's Council on Wage-Price Stability demanded the Illinois officials reconsider their raises. Both the governor and Chicago Mayor Michael A. Bilandic sent their budget directors to Washington to negotiate with Kahn. Afterwards both Bilandic and Thompson called for raises to be given in yearly increments during terms of office. The Chicago City Council approved a four-year pay plan December 13, but the next day legislative leaders rejected the governor's plea to follow suit. A special session could be called, but January 10 is their last day to reconsider, since the new legislative session begins that day under the new pay rate. Judges received their higher pay as of December 1, while the governor's raise is to take effect January 8. Once a raise takes effect, it cannot be changed during a term of office.

Some believe that the amount of the pay increase was not out of line. Sen. John L. Knuppel (D., Virginia) called it "modest." Knuppel said, "If [the raise] were not enacted now, many legislators would not get one until 1983, almost 10 years from the last increase. It has become virtually a full-time job, since we went to annual sessions."

The amount of the raise, costing \$8.4 million out of a balanced \$11.4 billion budget, is not much — 7/10,000 of the state's spending. And it is less than recommended by the governor's Special Committee on Salaries, headed by former Gov. Samuel Shapiro. In March 1978, the committee recommended legislative salaries of \$30,000 and gubernatorial and judicial salaries of



\$75,000.

The 40 per cent pay increase will also be bad for the morale of citizens and local government officials. And 40 per cent may seem high to state employees, who average a yearly increase of only 3.5 to 5.5 per cent.

The example set by a 40 per cent raise during a downward economic cycle may also make it difficult for the 81st General Assembly to hold down spending increases for agencies and pay raises for public employees. Ultimately, the legislature is likely to be torn between tougher public demands for less taxation and stronger pressures from interests which need more money for government programs to keep up with inflation.

Given past history, it is doubtful that the public will remember the issue two or four years hence, and vote out those legislators who voted for the increase. The cumulative voting system for House members makes this all the more unlikely. Illinois voters do not have a direct law-making power, similar to California's referendum and initiative system, nor do they have the recall to oust elected officials.

But finally, the pay increase can only exacerbate a "fundamental unhappiness" among voters described by conservative lawyer and writer Kevin Phillips in an interview in the September *State Legislatures*. Phillips says there is evidence of "populist spasms" in a "mushrooming growth of the recall mechanism; the demand for constitutional conventions; the increasing demand for initiative mechanisms where they don't exist, and increasing use of them where they do exist; and a trend for independent parties to get on the ballot more readily."□

## Pay raise update

The pay increase drew so much criticism that lawmakers were compelled to roll it back January 6 in a grueling 18-hour special session called by Gov. James R. Thompson. Under H.B. 802, as amended, lawmakers and most other officials will receive \$5,000 raises in 1979, followed by \$3,000 raises in 1980. Judges were excluded from the phase-in, since the Constitution prohibits salary cuts during their terms of office, which started December 1, 1978.

# Politics in Illinois

Illinois politics is like the weather — there is always something new happening. If you want to keep track of the maneuvers of state politicians from Chicago wards to the Illinois General Assembly, *Illinois Issues* can help. Listed below are the best of the magazine's political articles from 1975 to the present.

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**Walker, Ogilvie and Kerner used different techniques in dealing with legislature** by Taylor Pensoneau

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# PoliticsPoliticsPolitics in Illinois



## The Daley Legacy

This article is part of an *Illinois Issues* special series consisting of five articles covering the political life of Mayor Daley and the effects of his dynasty. The articles were first presented at a conference entitled "Richard J. Daley's Chicago." The conference was sponsored by the History Department of the University of Illinois at Chicago Circle and the Chicago Historical Society on October 11-14, 1977. With grant assistance from the Illinois Humanities Council, Dr. Melvin G. Holli, conference director, assembled forty-odd journalists, academics, city officials and neighborhood leaders to present their views on the late mayor, and his city. Professors Holli and Peter d'A. Jones are editing the proceedings of the conference for publication in book form.

MILTON RAKOVE

Author of the book *Don't Make No Waves* . . . *Don't Back No Losers*, Rakove is professor of political science at the University of Illinois, Chicago Circle Campus.

*'Man is a political animal'*  
— Aristotle

# Daley's political theory: Intuition and power

THAT RICHARD J. Daley was the preeminent politician in Chicago's turbulent history is undeniable. That his impact radiated beyond the city's boundaries to its suburban hinterland and to the rural reaches of Illinois is apparent. That his influence helped mold his Democratic party's national strategies is probable. That his image cast a shadow over his nation's policies and destiny is debatable. But that he was, is, and will be a political leader worthy of intensive analysis and study for political scientists, historians, sociologists and social psychologists, for years to come, is self-evident.

Daley was a local politician who dominated his city and local party, whose impact on countywide, statewide and national politics and public policies may have been less significant, but whose life and career should be pursued with intensity and rigid scholarship by social scientists.

Why? Because Daley was a politician *par excellence*, who practiced his craft with an ability and agility matched by few American political figures in our history. He was local in origin, scope, influence and interest. But he was universal in philosophy, tactics and practice, a gifted leader even among his most successful mayoral counterparts, regardless of national origin, geographic locale, political persuasion or philo-

sophy. He was untutored in political science, but a born politician; unread in the great treatises of political philosophy, but gifted with an instinctive grasp of the realities of political behavior; assailed by people who never understood him, but highly respected by those who dealt with him in the political arena. He has been dissected by writers whose analyses generally range from mediocrity and triviality to misunderstanding and hostility, yet his posthumous career as a subject of historical and political analysis has hardly begun.

According to Aristotle, "Man is a political animal." Richard J. Daley was the classic example of a political man for whom there was no life outside of politics. "Mayor Daley can't breathe or live outside of the atmosphere of politics or the proximity of City Hall," according to 5th ward Democratic committeeman Marshall Korshak. For Daley, politics was a 24-hour-a-day vocation. "He would call up at the most ungodly hours," Sen. Adlai E. Stevenson III told me. "He never got up later than 5:30 a.m. and was on the phone at that hour." Numerous other local politicians and public officials can bear witness to being called by the mayor at 6 a.m. or midnight, on Sundays, holidays or any other day. "When he left the office," Neil F. Hartigan, former lieutenant governor who served as Daley's administrative



assistant for five years, once told me, "he always took home a briefcase filled with papers."

Politics was, for Daley, not a livelihood or a profession, but a life style and a passion. A devout Catholic, he conceived of his role on earth as a charge from his Lord to do God's secular work by manipulating the processes of politics and government to maintain order, reduce tension and manage the inevitable conflicts within his community, the City of Chicago.

Daley's passion for politics was linked to his parallel interests in the processes of government and the life of the community. Although he had never studied Greek philosophy, he had an instinctive grasp of the Hellenic concept of the *polis* as a total community with an ethos and a civic pride, and a linkage between its constituent elements that encompassed the whole range of communal life.

It was from this foundation that Daley evolved his basic philosophy of organizing his community, his political machine and his city government as integral parts of an all-encompassing system. In this he was significantly different from most of his predecessors as mayor or party chairman who either put up with the indignities of political life to gain the emoluments and advantages of public office, or suffered the frustrations of public office as the price for enjoying the excitement of political life, or else subjected themselves to the hardships of political life and the boredom of public office in order to pursue what they perceived to be the communal good. Daley was a whole political man who had a lifelong curiosity about what was going on in the community, who enjoyed the vicissitudes of political life and who pursued the tasks of bureaucracy and government with relish and tenacity. For Daley, his oft-repeated maxim that "Good politics is good government and good government is good politics" was not a cliché, but rather a *modus operandi* and a guiding principle of both political and administrative behavior.

Daley understood that politics is the process by which the multiplicity of interests within the electorate are made manifest, are winnowed out and are represented; and that government is a decisionmaking process whose ultimate concern must be not only the balancing of private interests, but, more impor-

tantly, the protection of the public interest. While understanding the realities of the political process, he also accepted the requirements of public office and the responsibilities of executive leadership. And, as the ultimate pragmatist, he recognized the essentially selfish drives that motivated the disparate elements of the body politic of his city and the need to deal with that fact. "He's like a fellow who peeks in the bag to make sure the lady gave him a dozen of buns," wrote *Chicago Daily News* columnist Ed Lahey in 1966 in an article

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### Daley was a balance of power strategist who had never studied the classical balance of power theorists, but who had an intuitive understanding of the principles of successful politics

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describing the mayor's political pragmatism. In 1972, when I suggested in a report, written for the Chicago Home Rule Commission, that the city government's power over local services like street cleaning, snow removal and garbage collection be given over to neighborhood area councils, as Greater London does to its 32 boroughs, Daley's response was classic. "It might work in London," he said, "but in Chicago, they'll be selling the sidewalks down there."

Daley's architectonic design for the linkage and fusing of the community, the political system and the city government became manifest shortly after he came to power as mayor in 1955. He had gained the chairmanship of the party first, in 1953, as a necessary prerequisite to making his bid for the mayoralty. During his campaign for the mayoralty in 1955, he said he would give up the party chairmanship if he was elected mayor. But of course he did not, since he knew full well that if he did, his power would be fractionalized and he could never create the structure he believed essential for governing the city well. If he faltered in office, he might be replaced by another party chairman as he had done to Mayor Martin Kennelly in 1955, and as the political leaders had done to Mayor Edward Kelly in 1947.

But, more important, the fragmentation of power between the mayoralty and the party chairmanship would deprive him of the essential tools he would need to deal with the powerful feudal lords in the Democratic organization who had helped him dump Kennelly in their own interests, and who could then challenge his authority as chief executive of the city. Daley knew that in a city like Chicago, with a weak, decentralized governmental system and a powerful, much more structured authoritarian political system, he would be unable to govern effectively if he gave up his political power base.

Col. Jacob Arvey, longtime Democratic powerhouse and Daley's predecessor as party chairman from 1946-1950, who opposed Daley's dual role, reevaluated his position in an interview with me in 1976, before Daley's death. "His position as mayor helps him politically," Arvey said. "And his position as boss of the party helps him as mayor. I've always said that this could never work. In Daley's case it has worked because he's an honest man. And he *knows* he's honest, and the people around him know that he's honest. So that when he asks someone or orders someone to do something, they know it's not for profit for Daley or a personal advantage for him. They know it's good for the party or good for the city — that he thinks so, at least. That's why they subscribe to his leadership."

Daley's grasp of the inherent instability of his city's body politic, his instinctive conservatism with regard to intellectual schemes for all-encompassing social programs as solutions to societal problems, his native distrust of the motives of the human species and his recognition of the essentially selfish motivations behind human behavior were central to his basic approach to life and politics. That realism was fused in Daley's psyche with his lifelong love affair with his neighborhood, his city, his God and his family. His hardheaded political realism was counterbalanced by his own brand of idealism. Daley's sense of idealism had little to do with the kind of reformism advocated by those who believed the political process should be used to eliminate the abnormal evils which plague society and to liberate the innate decency which resides in men. Daley's idealism was more pragmatic and limited, aimed at achiev-

ing the possible, eschewing the visionary and accepting the reality of human life and behavior.

It was on the foundation of this basic philosophy, gleaned not from theoretical treatises and moralistic preachings, but rather from instinct and experience, that Daley built his house in Chicago. It was a composite structure of a fragmented community of divided groups and conflicting interests which had to be reckoned with and reconciled; a political organization of powerful warlords and subservient minions who had to be organized, disciplined and controlled; and a governmental system which was characterized by the inherent instabilities and weaknesses of democracy and which had to be made responsive to community needs. In other words, effective government demanded that a divided electorate, a highly structured self-centered political system and an essentially decentralized, weak governmental system be linked and held together in the pursuit of something vaguely called the public interest: the enactment of essential public policies and the maintenance of order and stability in the city.

For over two decades Daley sat astride this composite structure, guiding its momentum, reconciling its differences, adjudicating its disputes and giving it direction. How did he do it?

The key to Daley's success as mayor and political leader for over two decades lay in his ability to balance off the interests of the three constituent parts of the totality — the community, the political organization and the city government — and to link and subordinate those disparate elements to what he conceived to be the welfare of his city. Daley was a balance of power strategist who had never studied the classical balance of power theorists, but who had an intuitive understanding of the principles of successful politics. He was a power broker who knew that power was the driving force of politics and that all political behavior is oriented toward the acquisition, retention and expansion of power.

If the centrifugal force of politics is the power drive in men and groups, then the central problem of political leadership is the channeling, utilization and control of power in the interests of order and the common good. That can best be done, not by appealing to man's good nature and moral virtue, but rather by

recognizing his selfish concerns, pacifying his interests when possible, using him when necessary, holding him accountable when derelict and disciplining him when required.

Successful political leadership in such a milieu requires that the needs and aspirations of the community be ascertained, that they be channeled to those in authority through the political process and that they be pacified by governmental action. That process, for Daley, was both good politics and good government. But good politics was not embracing moral causes, and good government was not resolving social problems. Good politics was, in the words of Edward C. Banfield and James Q. Wilson, "managing conflict," and good government was dealing with basic, elemental needs on an individual basis. And, since private interests and individual needs were the primary concerns of the heterogeneous individuals and groups that made up the electorate, those had to be dealt with first before the nebulous public interest could be attended to. Formulating

public policies, then, for Daley, was the pacification of various private interests as a prelude to securing the tolerance, if not the active assent, of those private interests to essential public policies.

In Daley's political world, it was not the role of leadership to consult with all groups in the body politic on all matters of public policy, but only with those who were affected by or had a serious interest in the issue. It was not necessary to consult with the Jewish community on abortion, or with the Catholic or black communities on a resolution supporting Israel, since those matters did not seriously affect the emotions or interests of those constituencies.

But on the issues of school integration and busing, or building public housing in white areas of the city, where the private interests of one million blacks clashed with or abutted the interests of more than one million whites, Daley's policy was to hold to an existing *status quo* until such time as he detected a shift in the sentiments of one side or the other, or he was driven to act by external forces beyond his control. And, even then, he would retreat grudgingly, giving as little ground as possible, unwilling to compromise his basic political mode of conduct.

Nor did what Daley considered to be effective political leadership necessarily involve issuing clarion calls for change or unilaterally breaking new ground on public policy. Daley's style was, rather, to respond to clearly expressed sentiment for basic change by sending out a signal to all those who would be affected by the change, touch all the bases, investigate the depth and breadth of the constituencies supportive of and opposed to the matter, and then provide leadership, based not on his own personal preferences, but rather on a broad-based coalition of constituent elements which could help carry the load, provide support and take the heat, if it came.

In Daley's world, the role of the political organization was central to the need to maintain contact with the community and to expedite the processes of government. Politics was the process through which one ascertained the needs and aspirations of the community and remained sensitive to changing conditions and developing problems. The ward committeemen and precinct captains were the eyes and ears of the party and were held accountable,

## State Government Organization Chart

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not for just the delivery of services and votes, but also for taking the pulse of the neighborhood. Daley paid little attention to newspaper editorials, television commentaries and scientifically taken polls as representation of what was going on in the minds of the people of the city. He believed that newspaper editorial writers and television commentators spent most of their time in their offices, were out of touch with the neighborhoods and were more representative of an elite public that did not reflect the city's population and ethos. As he once responded to a newspaper story commenting on a political situation in Chicago: "It's just a hallucination and the imagination of the press in trying to bring this situation to the forefront."

Daley took his own polls, not through scientifically structured mass questionnaires, but rather through an informed network of street-wise politicians who had lived, worked and associated with people in their neighborhoods. Many a candidate for public office was called the Sunday before a hotly contested election by the mayor, who after evaluating the results of his own private poll, told the candidate he was "in" and to prepare himself for his forthcoming responsibilities.

Daley strengthened his information-gathering network in two other ways — by placing his own people in every sensitive government department and ward organization at a level beneath the top echelon, and by constantly quizzing everyone who came to see him about their area of expertise and about the goings-on in their bit of turf in the community at large.

Daley was cognizant of the character of the bureaucracy, knowing that those charged with responsibility always picture the activities of the agency in the best possible light when they are called to account. Since Daley was a consummate bureaucrat himself, who had spent his entire life in government at various levels, he was a difficult man to deceive or withhold information from. He buttressed his own experience and knowledge by informal contacts with medium and lower level city and county bureaucrats who provided him with another channel of information about the activities of their agencies. And since their livelihoods depended to a considerable extent on good relations with the mayor, especially if they were not

civil service, their discretion usually transcended their loyalty to superiors or to racial, religious and ethnic cohorts. "I'm a good Italian," one medium level bureaucrat once told me, "but I've turned in a lot of Italians."

Within the political organization, Daley's lifelong, across-the-board experience from precinct captain to county chairman, also was invaluable as he sought to maintain contacts with the wide-ranging feudalistic political system he controlled. When Daley came to power in 1955, he was one of a number

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**In Daley's political world, it was not the role of leadership to consult with all groups, but only with those who were affected by or had a serious interest in an issue**

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of powerful ward committeemen. But as they aged, and as his personal power grew, the gap between Daley and everyone else clearly became manifest, and key people in the various ward organizations quietly made known their fealty to him above their own liege lords. He had a listening post and a pipeline to the ward organizations which he was careful not to divulge or even utilize, unless it was clearly necessary. Daley faithfully observed the principal of ward autonomy and committeeman control, as long as the ward was well-run, was serving its constituents and was delivering votes. But, if discipline broke down or efficiency disintegrated, or Democratic voters stayed home or revolted, Daley would move in, aware from his own sources as to the roots of the problems and who to turn to in the ward organization to straighten things out. "I never knew the mayor knew as much about me as he knew until that day," 16th ward Democratic committeeman Jim Taylor told me in an interview, as he described the events of the day when Mayor Daley brought him before the executive committee of the Democratic County Central Committee and told him that he was going to be the new committeeman of the South Side ward, which was rapidly changing from white

to black. "He put my whole life story on the line," said Taylor, "which really amazed me."

In the 29th ward, on Chicago's West Side, former state Sen. Bernie Neistein described the events which led to his being chosen as committeeman. "Al Horan died and there was a vacancy for ward committeeman," Neistein said. "The ward was predominantly run by Irish. And the church stepped in all the time. They always said the Irish Catholics should be running this ward. I didn't make any overt moves to be ward committeeman. The opposition wanted Jimmy Spangler, who was a member of the Board of Tax Appeals. They were saying, 'We're not going to let any whippersnapper be the committeeman, and it's gotta be an Irish Catholic.' The mayor knew, however, that I was the one. While Al Horan was sick for two years before he died, I was carrying on and delivered better results than Al Horan ever did. He was receptive to me — and you play politics with the head, not the heart. By performance, I was the one that he wanted. We had a meeting in the mayor's office and he said to Jimmy Spangler, 'Bernie would make a good ward committeeman' and Spangler said, 'Yes, I'll take your suggestion. I'll be in favor of Bernie.' The precinct captains had the name of who they wanted. The captains are the last word and they backed me all the way. So that's how I was made committeeman."

Daley's lifelong, ceaseless quest for information also drove him to query people whose opinions he respected about their areas of expertise. Invariably when I asked to see him on some matter or he asked to see me, his first question was, "And how are things at the University?" It was not an idle, polite, pass-the-time-of-day query, but rather a serious, searching probe for information about an institution he was proud to have helped build, and which he felt was important to the well-being of his city. Then, before you got to the business at hand, he would ask about your opinions on whatever was currently politically important — the presidential campaign, the busing controversy, suburban political trends or national public policies.

According to former Commissioner of Consumer Sales Jane Byrne, who was appointed cochairman of the Democratic Party of Cook County by Daley, "I would walk in and his hands would go

up, and he would say to me, 'What are you picking up?' That would mean, 'What do you hear out there?' From 1968 on, there was a tremendous amount of shifting sands on the national scene, with the assassination of Robert Kennedy — and even before he got killed. Well, I never gave up those other friends in the Kennedy entourage, and I would oftentimes get some information out there. Up until Bobby was killed there was still the belief the Kennedys would come back, so we kept the foot soldiers we had in order, so that whatever was going on, I would be able to tell him. That doesn't mean in any way that he didn't have a direct line of communication right to Bobby. But the underlying stuff of who's with us here and there, I'd get from the others. That was a good way to hear. That helped him." Commissioner of Human Resources Cecil Partee (former state senator) evaluating Daley in an interview with me, described the mayor as "a very, very astute man. There were areas, for example, where I really didn't think he would be knowledgeable, just because he had no need to be. When I came back from Israel, I talked to him about my trip. Some of the questions he asked astounded me, because they reflected his intricate knowledge of the politics of Israel. He was a very knowledgeable man."

"He'd call me regularly," Sen. Stevenson told me. "He always wanted to know what was going on. He wanted to talk about housing. He wanted to talk about the issues. At times you talk to him, he just wouldn't hear. He wouldn't listen. He shut it out. At other times he would be very animated, searching for a way or for an answer. But not many people knew that. They'd complain bitterly. They'd vilify him. Rarely would they make an effort to talk to him. One of the great failings of his critics, particularly the so-called liberals and reformers, was that they rarely got in there and tried to talk to him. It would have been a revelation to some of them."

Daley was, thus, a veritable sponge who soaked up information in incredible quantities, sorted it out internally, filed it away in his brain, and pulled it out when it was needed. He was not always right in what he did, but he always did his homework and he operated from a substantial fund of information and a broad range of opinion and expertise. □

*Continued on next page.*

# Sangamon State University



*As the state's public affairs university, Sangamon State addresses itself to specific governmental needs through public affairs centers, special courses, projects and student internships. Located in Springfield, the state capital, Sangamon State is a senior institution offering a diversity of programs for the junior and senior year plus master's degree programs. Because of its proximity to state offices, the university provides students with a unique opportunity to explore government-related careers. The four public affairs centers conduct problem-solving, research, training and service activities.*

## The Illinois Legislative Studies Center

The Illinois Legislative Studies Center coordinates university activities related to the Illinois General Assembly, including experiential learning, applied research, and public service. The center publishes a monograph series which reports the research projects and conferences conducted under its auspices.

## The Center for Policy Studies & Program Evaluation

The Center for Policy Studies and Program Evaluation focuses its applied research activities upon state executive departments and agencies, addressing issues associated with public policy formation and implementation. The Operations Research Unit of the center provides support to state agencies through advice, workshops, and publications.

## The Center for Legal Studies

The Center for Legal Studies coordinates those university applied research, public service and professional training activities that relate to the delivery of justice in Illinois. The center, developed in conjunction with an academic Legal Studies Program, will have responsibility for administering the educational component of the proposed Illinois Courts Complex.

## The Center for Middle-Size Cities

The Center for Middle-Size Cities addresses problems and issues common to Illinois cities with populations ranging from 50,000 to 250,000. The center collects research, serves as an information center, and presents workshops throughout the state.





## The Daley Legacy

This article is part of an *Illinois Issues* special series consisting of five articles covering the political life of Mayor Daley and the effects of his dynasty. The articles were first presented at a conference entitled "Richard J. Daley's Chicago." The conference was sponsored by the History Department of the University of Illinois at Chicago Circle and the Chicago Historical Society on October 11-14, 1977. With grant assistance from the Illinois Humanities Council, Dr. Melvin G. Holli, conference director, assembled forty-odd journalists, academics, city officials and neighborhood leaders to present their views on the late mayor, and his city. Professors Holli and Peter d'A. Jones are editing the proceedings of the conference for publication in book form.

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## Daley's secret was votes and pros

DESPITE the importance of Mayor Richard J. Daley's constant efforts to be informed, to stay abreast of current developments, he also knew that good political leadership requires more than the accumulation of information. The mark of first-rate political leadership is the ability to act on information after having ascertained the will of the electorate with regard to the problems of the community.

How could the will of the community be ascertained? Through the formal structure of the political process in elections. "You can't win if you're not on the ticket," is an old maxim in City Hall in Chicago. And the corollary is, "You can't get things done if you haven't been elected to public office."

How does a political party win an election? By getting more votes than the opponents for those offices. So, for professional politicians (and Daley was a consummate one), the primary purpose of politics is to get more votes than the other side on election day. Daley had a stock answer to why any candidate lost: "He didn't get enough votes!"

How could those votes be won?

For Daley there was only one answer, simple in concept and total in execution. Put together a ticket that would reflect

and represent the basic aspirations and wants of the varied constituencies in the electorate, turn the candidates loose on the electorate to appeal to their own constituencies and crank up his political machine to get the vote out.

For Daley, the primary consideration in constructing a ticket was not finding the best man for the job, or one who would appeal to the newspapers or even to the electorate at large, or even one who would necessarily win, but rather one who could best strengthen the entire ticket. The key to making the choices for the slate was Daley's recognition of the fragmented structure of the community, the selfish drives of the constituent elements of the electorate and the emotional attachments of those disparate elements to an appeal from one of their own.

Once the ticket was constructed, Daley did not consider it his responsibility to conduct anyone's campaign. His job was to orchestrate the overall strategy and, more important, as party chairman, to gear up the political machine to deliver the maximum number of votes. Candidates were pretty much left on their own to organize their campaigns, raise money, devise programs and appeal to their personal

constituencies as their contribution to the overall effort. That electoral strategy was reflective of Daley's basic philosophy of politics and government — that the whole was more important than the constituent parts and that every cog in the machine should assume responsibility for his piece of the action. Daley knew that there was some truth in the maxim that "in union there is strength," but he also knew that centralizing authority while delegating responsibility and demanding accountability was the key to effective and efficient politics and government.

Daley's primary role in the political business of winning elections was to organize his political machine and galvanize it into action for the crucial election day after he had constructed a ticket representative of the varied interests of the community. His task was to get people to do the essential, but hard work of politics — contacting voters and getting them out.

How could you get people to labor in the precincts — to undertake and persevere in the drudgery of climbing stairs, ringing doorbells, distributing literature, selling tickets, attending rallies, putting up signs, listening to complaints and performing the myriad, thankless tasks of precinct work?

"You can tell them that the polling place is open from 6 a.m. to 6 p.m., or to 9 p.m. on registration day," said state Rep. Marco Domico, a veteran precinct captain in Alderman Vito Marzullo's 25th ward organization. "But they couldn't care less. Especially, if you have registration day in the winter time. You know a man comes home at 5 or 6 o'clock, and once he takes his shoes off, forget it, he's not going to leave the house. And once a woman, after 3 or 4 o'clock, and the children come home and she has to start cooking and everything and she has to leave the house, forget it! It's up to the precinct captains to work all day long. And you actually have to beg them to register. They're doing you a favor. You're not doing them a favor. The people that don't register, they're the first ones to complain, to scream and holler, 'What's going on?' Those are the people that are doing all the complaining after the election is over. The people that do not vote. They're the biggest complainers."

To deal with such an electorate, many of whom are disinterested or apathetic, Daley did not believe that you could

recruit workers by appealing to their better nature, moral virtues or civic pride. They had to be recruited, sustained and disciplined by offering them some of the rewards of politics — jobs, status in the community and membership in a functioning, viable organization. And they had to be provided with access to and contact with those organs of power which affected the lives of their constituents and with the means to ameliorate or resolve their problems. According to Alderman Marzullo, "A precinct captain has gotta be a commu-

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**The primary purpose of politics is to get more votes than the other side.**

**Daley had a stock answer to why any candidate lost: 'He didn't get enough votes!'**

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nity leader, gotta have something on the ball to deal with the general public. A precinct captain represents 400 or 500 votes in a precinct. Not everyone in the ward knows the alderman personally. But, through the precinct captain, they get acquainted with the alderman."

Another top precinct captain in Alderman Marzullo's ward organization is Madison Brown, deputy commissioner of streets and sanitation. He said, "You're available to the people. You provide service to the people. You're there to advise people. Many times they are looking for a direction, where to go to get something done. They don't want you to do it. They just want to know where to go. How to go about getting it done."

The next link in the chain is the committeeman. According to Marzullo, "I take care of my people like I take care of my own family. Anything that comes up, from street cleaner to psychiatrist. They call me for everything under the sun. If I can help them, I will; if I can't, I tell them, 'I can't help you.'"

Thus the voters could be served by personal contact with a network of precinct captains, aldermen, committeemen, ward secretaries and bureaucrats. A functioning, responsive political system could make the massive, mysteri-

ous bureaucracies of government work for the voters. According to Alderman Marzullo's ward secretary, John Domagala, "After being in this business for as many years as I have, I've learned the department heads. To visit the sewer department you have to go to [Edward] Quigley or his subordinates. I carry a little black book that has all the various department heads, plus rodent control and all that."

What are the results of this chain of contact, inquiry and service? "You can take all your news media and all the do-gooders in town and move them into my 25th ward," said Marzullo, "and you know what would happen? On election day, we'd beat you 15 to one."

It was out of this environment and this reality that Daley had come, with lessons he never forgot. Daley was a precinct captain and a ward committeeman who became chairman of the party organization and mayor of Chicago. Daley never left the precinct and its voters, and their needs and aspirations. He understood the relationship between the community, the political system and the governmental system, not in a contrived theoretical model, but at its basic, elemental level. He was cognizant of the harsh reality of precinct level politics and of human needs in the neighborhoods; suspicious of theoretical, intellectual programs for dealing with political realities; contemptuous of liberals, do-gooders and media representatives; and proud of his political organization and its works.

Daley knew that precinct workers could only be kept at their tasks if they were compensated by jobs which provided them with a livelihood. Those jobs could only be provided by government. That government had to be controlled to dispense the jobs. And control of government could only be gained by winning elections. So Daley worked out a practical model of community-political-governmental relationships. He utilized his political organization to pacify community needs on an individual and group basis by using it as the link to government which would then serve those needs. He also used government as an agency for providing for the needs of the political organization in the form of jobs, contacts and influence. And that enabled him to mobilize the electoral power of the community to keep him and his organization in control of the government so that his political organi-



zation's interests could be cared for, order and stability could be maintained in the city and the general welfare of the community, as he conceived it, could be furthered.

But Daley was more than a precinct captain, a ward committeeman and chairman of the party. He was also the mayor of Chicago. He loved his neighborhood and political organization, but he loved his city more. "He loved being mayor of Chicago more than anything else in the world," said Alderman Edward Vrdolyak. "That was his life. It wasn't his job. It was his life." Daley never wanted anything more for himself than to be mayor of Chicago, and he believed his city was the greatest community on the face of the globe.

As mayor of Chicago, it was his obligation and responsibility to look out for the welfare of his city, to make it a viable, thriving community. "Daley loves this city like you love your wife and kids," a Republican politician once told *Saturday Evening Post* writer Milton Viorst. "He considers Chicago *his* city. The sidewalks are *his* living room. The parks are *his* back yard. He just doesn't want anyone to screw it up."

Daley's pride in and ambitions for his city were the determining driving force behind his career as mayor of Chicago. He was an Irishman, a Catholic, a Bridgeport neighborhood boy, a staunch family man and a lifelong Democrat, and he gave his loyalty to all of those constituencies. But they were all subordinate, when the chips were down, to his role as mayor of Chicago. In this, he was different from most of his colleagues in the city bureaucracy and the political organization for whom government service was a way to make a living, and politics was a subordinate means to other ends. As Alderman Tom Keane, the second most powerful man in Chicago's governmental and political systems, once remarked on the difference between himself and Daley, "Daley wanted power, and I wanted money, and we both got what we wanted." And two of Daley's brightest, most able young cohorts, Alderman Vrdolyak and Alderman Edward Burke, both categorized their roles in life and their public careers differently than Daley did. "So, you're an alderman, a committeeman, and a lawyer," I once said to Vrdolyak in an interview. "No," he responded, "I'm a lawyer first, then a committeeman, and then an alderman." And Burke re-

sponded to the question of whether he was first a lawyer or a politician with an unequivocal, "I would like people to think of me primarily as a lawyer."

Daley wanted power, as Keane said. And it could be said that Daley loved power. He was not afraid of the responsibilities of power and he never hesitated to use power, when it was necessary. But his ultimate purpose in life was not the accumulation of power for the sake of power, but the use of power for the good of his city, as he perceived that good.

While his ultimate purpose in life was the welfare of his city, the realities of the community he governed and the demands of the political organization he headed required that he be cognizant of those forces and facts, that he counterbalance those elements and that he successfully broker the various power interests in the composite structure, the polis. Daley performed those tasks successfully for more than two decades by using his power as mayor to strengthen his party organization, by using his power as party chairman to buttress his role as mayor and by using his dual powers as mayor and party chairman to deal with the constituent power groups in the community.

When Daley came to power as mayor in 1955, after having won the party chairmanship two years earlier, he fused the two positions as his power base. But he also embarked on a policy of separating the city bureaucracy from the control of the political organization. While he knew that the city bureaucracy would have to serve the needs of the politicians in their wards, he was determined that the politicians would not govern the top echelons of the city government. If he was going to run the city well as mayor and provide a high level of service to the citizenry, he could not rely on professional politicians, untrained in public administration, who were primarily interested in political relationships and rewards, to control the city government.

To direct the city departments, Daley recruited top grade professional administrators, trained and generally respected in their fields. There were, of course, occasional exceptions to the rule at some levels in the bureaucracy, when a longtime friend needed help or a special political obligation had to be met. But those were exceptions, not general practice.

By hiring professionals who were

generally not political to run the bureaucracy, Daley was able to provide a high level of city services in those areas of governmental responsibility that touched the lives of the citizenry most intimately — garbage collection; snow removal; street cleaning; sewer, curb and street repair; tree trimming; rodent control and the other basic functions of local government. Such a policy also helped to expedite major policymaking functions of city government — revenue collection and distribution; legal services; finance; police and fire protection; traffic control and public transportation — which were generally conducted efficiently and responsively to the city's needs. There was, of course, an occasional bending of the rules when powerful political and economic pressures had to be dealt with. And there were always the continuing unsolved problems of the public school system and neighborhood deterioration, some of which was due to conditions beyond the city's government control or ability, some of which was due to a lack of understanding in City Hall and some of which was due to powerful social, cultural, economic and political forces in the community at large.

The staffing of the city top-level bureaucracy by professional administrators provided Daley with the tools for dealing with two other problems.

If capable, professional administrators ran the departments at the top, there was then room for jobs at the lower levels for the precinct captains and their assistants to work where they could not seriously affect the basic policies and functions of the city government. These jobs also provided a reward system for political efficiency: the best precinct captains got the best jobs. This system generally worked to the advantage for the city at the middle echelons of the bureaucracy since it was generally true, as Alderman Marzullo once put it, "that the qualities that make a man a good precinct captain make him a good job holder."

Providing efficient city services to the citizenry in the neighborhoods also gave Daley the weapon he needed, as party chairman, to hold the ward committeemen accountable for getting out the vote. During elections voters were appealed to on two basic levels: (1) their emotional attachment to candidates on the ticket on the basis of race, religion, ethnicity and geography, and (2) their

relationship of mutual obligation and interest with their precinct workers and the Democratic organization which, if they performed efficiently, could take credit for meeting the constituents' personal needs. No ward committeeman could rationalize a poor performance in an election by claiming that he could not get good city services for his constituents. Daley's response would be that those city services were available and it was up to the committeeman to avail himself of those services for his ward. And the same standard held true of the

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**Daley's dual role as preeminent political leader and powerful mayor enabled him to deal effectively and from strength with powerful groups in the community**

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relationship between the committeeman and his precinct captains. If the committeeman was doing his job well in maintaining contact with the bureaucracy, then a precinct captain who was derelict in serving the votes in his precinct had only himself to blame for his failure on election day.

The *quid pro quo* of the arrangement was the strengthening of Daley's role as mayor, which was his primary objective in dealing with the committeemen. Daley did not consult with the committeemen on major matters of public policy for the city, but rather with his top bureaucrats and civic, business and labor leaders. Since the committeemen were not responsible for citywide public policies and problems, but only for their wards, they had little interest in such matters. They were always willing to delegate such matters to Daley, as the mayor, and to give him whatever support he needed for his policies. And, since the ward committeemen were either aldermen concerned with the needs of their wards or else controlled the aldermen from their wards, Daley could get approval from the City Council for any program he deemed necessary for the city. Daley did not conceive of the City Council as a legislative body whose function was to initiate legislation, but as something of a

cross between the House of Commons in Great Britain and the Supreme Soviet in Russia, a sort of ratifying assembly whose major functions were to approve legislation submitted by the leadership, to act as another channel of communication between the neighborhoods and the city government and to assist in servicing the needs of the constituents.

Daley's dual role as preeminent political leader and powerful mayor, in fact if not in law, enabled him to deal effectively and from strength with powerful economic, social and cultural groups in the community on a basis of mutual interest and cooperation. Business, banking, civic, labor, ethnic, religious and racial leaders were consulted on matters of interest to their constituencies and given their due in proportion to their strength. But they, too, were required, as a *quid pro quo*, to support the political apparatus and the city government's public policies. Daley thus effectively melded the diverse and divided constituent elements of his city's body politic, pacified their interests to some extent and forced them to subordinate those interests, to some extent, to what he conceived to be the general welfare of his city. Daley was, in essence, a combination constitutional monarch and benevolent despot, operating in a democratic milieu, who practiced the trades of politics and government with great skill and dedication.

Of course, the other side of the coin was that on those matters of public policy that he did not understand or for which he had little sympathy, the city did not move very far or progress very rapidly. But, on the whole, his public record as political leader and public official was an enviable one. He made mistakes, as any man will; he was not always amenable to reason, and he did not foresee or come to terms with all of the nuances and changes which were taking place in 20th century American society. But he was probably a solid .400 hitter, in baseball parlance. Like Nellie Fox, the old spoiler of his beloved White Sox, Daley was a wily, tough batter, who tormented the pitchers by fouling off all the best pitches before lining one out to the far reaches of the outfield. Like Fox, Daley was no slugger. His batting average was high, but it was accumulated by waiting out the pitchers, spoiling the good ones and then punching out short, hard line drives rather than occasional loud, long blasts.

But he drove the runs home and was always on base and ready to score.

The place he will hold in the hearts and minds of most of the people of the city he loved so well, and of those who knew him as a man, politician and mayor, is best exemplified by one of his favorite aphorisms. It hung, after his death, in the entrance to City Hall, over a book where Chicagoans stood in line to sign their names as an expression of sympathy to his family. It read, "I believe that a man should be proud of the city in which he lives and that he should so live that his city will be proud that he lives in it." Most Chicagoans are proud that Richard Joseph Daley lived in their city. □

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## The local government scene

# Is collective bargaining a good bargain?

IF YOU want to understand Illinois collective bargaining practice, you only need to know two important facts. The first is that, unlike about 40 other states, Illinois has no statewide legislation on public collective bargaining. The second is that, as in any major industrialized state, there is a great deal of collective bargaining in Illinois, dating back some 40 years. Out of these two apparent contradictions emerges the basic factor undergirding labor-management relations in Illinois: there are no established rules to stabilize collective bargaining in the state.

The reasons for the lack of a statewide law are generally known. During every legislative session laws are proposed, debated and inevitably defeated because ideological opposition to labor legislation is allied with the disinclination of Chicago and Cook County to forego their traditional informal dealings with their own unions in favor of supporting statewide legislation. Nonetheless, bargaining goes on at the state and local levels, and its frequency and intensity has been increasing for some time. There are some guidelines in the form of attorney general opinions, court cases, scattered bits of legislation and a governor's executive order. These piecemeal precedents do not add up to a comprehensive set of law and practice, however.

What exists can be summarized quickly. By law, union dues can be withheld upon employee request, and firemen have the right to advisory arbitration in cases of wages, hours or conditions of employment. The attorney

general has given some opinions, which have had some effect on practice at least in the jurisdiction requesting them (for example, regarding Vermilion County sheriff's deputies and the county board recognition of their union). The courts have indicated that an employee has the right to join a union, that local units may negotiate with the union, that certain types of employees (such as supervisors) can be prohibited from union representation and that grievance arbitration does not necessarily constitute an illegal delegation of power. The governor's executive order covers some 60,000 employees and will be discussed

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At the local level, most members of employee organizations such as labor unions and nonunion employee or professional organizations are in school districts

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later. Beyond these sketchy rules, however, there is a no-man's-land without rules, prohibitions or even helpful hints.

### Employee organization

State government employees under the control of the governor are largely organized under the provisions of Gov. Dan Walker's Executive Order No. 6. Thirteen unions represent about 45,000 of the 60,000 affected employees, excluding supervisors, managers and confidential employees. The 1973 executive order affects organizing activity, creation of bargaining units and super-

vision of elections. It provides that unions may directly negotiate with the state director of personnel, with the final settlement often dependent on legislative action. Of the 13 units, the three that represent clerical and paraprofessionals, client and patient direct care (mostly in mental health and children and family care) and professional human services (mostly public aid), each have over 11,000 members.

At the local level, most members of employee organizations such as labor unions and nonunion employee or professional organizations like the National Education Association (hereafter called EO's) are in school districts. Table I indicates that not only do school districts have the most employees, but also that their employees are much more likely to belong to EO's. Nearly 60 per cent of school district employees are EO members, compared to less than 25 per cent in counties and just over 32 per cent in municipalities.

Within the school districts, teachers are over 70 per cent organized, while other administrative or maintenance employees are under 30 per cent, averaging out to the above mentioned 60 per cent.

There are too few township employees in EO's to warrant comment, but special districts, long overlooked, rank immediately behind school districts in the extent of organization. Most special district employees are in large hospital districts, the Chicago Park District and the Metropolitan Sanitary District, with the rest scattered throughout the state. It is not clear why membership is dropping so rapidly, although changes in one or two large units could affect the total.

In summing up, it seems that the rates of increase are modest, at best, and do not indicate a rush to organize. Those already organized may be becoming

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more militant, however, since work stoppages are increasing in number and severity (see table 4).

Table 2 gives a bit more detail on the direction employee organization is taking. The rate of increase is sharply down for all functions except hospital employees, and the overall rate of increase is almost negligible compared to the 1972 to 1974 period. The modest 3 per cent education increase was the only reason that membership grew at all.

In many cases where there is no agency shop requiring employees to pay their "fair share" if they do not join the union, relatively few employees join, even though the union represents a large group. However, it is clear that functions such as highway and, to a lesser degree, hospitals have had actual decreases in membership, while membership in other areas such as police and fire has stabilized.

## A statewide law

Anyone can make a fairly good argument for either supporting or opposing a statewide collective bargaining law. In one sense, the cons may outweigh the pros, since the very absence of a law in Illinois may indicate that the advocates' case is not convincing. On the other hand, political realities do not always reflect the most sensible course for labor relations. An examination of both sides of the issue, against the background of relevant data and history, does, however, tend to make passage of a law seem the most desirable course.

Most arguments against a statewide law, first of all, are arguments against organizing public employees at all. Some purists might be in favor of col-

lective bargaining but favor a decentralized approach allowing each unit to develop its own standards and procedures. They would argue that labor relations is a home rule matter appropriately left to each unit. This view is not widely held, for most see the practical problems inherent in the present local option plan. Therefore, most of the prevailing arguments against a statewide law are really arguments against collective bargaining.

To a large degree, in other words, many of these "anti" arguments are basically ideological. Some simply oppose labor unions, or oppose any attempt by employees to unite or seek a formal bargaining relationship with the governing body. Government sovereignty is at stake. There is a more moderate position which holds that unions are appropriate for the private, but not the public sector because public needs are different, because the private "model" will not work in cases such as the protective services, or because civil service and merit systems provide adequate protection for employees. There is a good deal to be said for this point of view, but it is getting harder and harder to maintain it when one considers the extent to which collective bargaining is accepted in other states, and even in Illinois.

Most politicians and citizens are pragmatic, however, and basic ideological positions are not widely enough held to prevent statewide collective bargaining. It is probable, too, that ideological rhetoric is often merely a mask for practical objections. The real reasons for resistance to statewide laws are a host of practical concerns that public managers have, regardless of their labor support in election cam-

**Table 2**  
**Increases in employees belonging to an employee organization in Illinois local government**

	October 1972 to October 1974	October 1974 to October 1975
Education	12.6	3.0
Police	14.1	-0.8
Fire	13.0	0.9
Highways	-11.3	-19.8
Hospitals	-10.2	-3.7
All functions	8.9	1.7

Source: U.S. Bureau of the Census *Labor Management Relations in State and Local Governments, 1974 and 1975*, Series GSS 75 and 81 (Government Printing Office, 1975, 1977), p. 22.

paigns.

Many managers, for example, believe that statewide laws might well tilt the balance toward labor unions and set off a massive organization campaign that would jeopardize labor peace or at least weaken the position of public officials. Many legislative bodies, it is argued, simply cannot resist employee demands when those making the demands are voters as well. Many governmental units do not have the management capability to negotiate effectively, and there is concern that any agreements would favor employees. These "weak management" arguments arise at least partially from the strained financial position of most governments. Present practice calls for retrenchment without reducing services too much. Any larger piece of the local, state or education pie goes to employees at the expense of reduced services or tax increases.

Therefore, it is argued, this is not the time to tie the hands of management or reduce flexibility of local legislative bodies, a theme few would quibble over. There are rebuttals to these arguments, of course, most of which involve rejecting the idea that public employees should stand hat in hand or that public managers will not be able to negotiate effectively if citizens are supportive of retrenchment. However, the weight of the above objections is considerable and a significant factor in the minds of many citizens and legislators alike.

An argument can also be made that local units have responsibility for managing their own affairs, and that labor-management relations is a basic part of this responsibility. If the federal

**Table 1**  
**Employment and organizational activities in Illinois counties and municipalities as of October 1975**

	Counties	Municipalities	School districts	Special districts	Townships
Full-time employment as of October 1975	38,160	87,230	191,141	32,928	4,011
Number of employees belonging to employee organizations	8,824	28,089	113,524	16,783	38
Percentage belonging	32.1	32	59.4	51.0	0.9
Increase in employees belonging to employee organization since October 1971	5.6	1.8	3.0	-8.2	22.6

Source: U.S. Bureau of the Census *Labor Management Relations in State and Local Governments 1975*, GSS Series 81 (Government Printing Office, 1977), p. 12.



government won't pass a national collective bargaining bill and hasn't the power to adopt a fair labor standards act, then neither do states have the responsibility to legislate on matters which should be settled locally. There is no legal or constitutional ground for this argument, but it has practical weight with many advocates of absolute home rule for localities.

A final argument against a statewide law is that dealing with labor unions or employee organizations is a time-consuming, laborious task that poses an additional and sometimes intolerable burden on managerial and political officials. Marathon bargaining sessions in many localities, conducted over and over again with each EO, lend credence to this argument. There is simply no question that enormous amounts of time must be committed when initiating collective bargaining.

The difficulty is complicated by the large number of bargaining units in many places. In 1975, according to the Bureau of Labor Statistics, Springfield had 10 formally recorded contracts in public works; eight were in the Water, Light and Power Department. Union membership ranged from 150 in the largest unit to five or less in three unions. The carpenters and painters each had a two-member union. Two other unions, the machinists and the operating engineers, each had two separate unions in the department.<sup>1</sup> One should not assume that all organized units are this fragmented, but it does make a good horror story for managers and public officials who are genuinely concerned about the time commitments demanded by collective bargaining. Under a merit or civil service system, it is argued, such an investment of time would have some payoff to employees which would be impossible under collective bargaining.

## Results and purpose

In fact, shorter and more routine negotiating sessions and a smaller number of bargaining units would probably be a result of a statewide system of collective bargaining. Indeed, this is the purpose of such a law. However, there is no doubt that many local units would spend more time in negotiations and

<sup>1</sup>Bureau of Labor Statistics, *BLS File of State, County and Municipal Collective Bargaining Agreements*, Fall, 1975 (Washington, D.C., Report No. 454), p. 21.

**Table 3**  
**Union activity in a sample of 25 Illinois municipalities over 10,000 population, Fall 1976**

	No Recognized Union	Recognized Union
No reported union membership	8	
Employee membership in unrecognized union	4	
Recognized unions covering a portion of employees		8
Largely or completely unionized		5
	12	13
Recognized unions having:		
Dues checkoff		9
Formal grievance procedure		7
Formal mediation or arbitration procedures		4

contract administration than they now commit to employee relations.

The major argument for a statewide law is simply that it will stabilize and regularize labor relations in the state, preventing the current kaleidoscopic practices that characterize Illinois. Some units bargain in good faith while others refuse to bargain. Some bargain in bad faith, which is worse than not bargaining at all. Many units, particularly in the Chicago suburban area, pay a premium salary to keep out unions. Chicago itself provides union wages and benefits but refuses to bargain formally. Among units that choose to bargain, practices vary enormously. In places such as Madison County or Decatur and in most school districts, negotiations have become highly stabilized. In others, such as Will County or the East Aurora School District, negotiations are chaotic and often ineffective. Often there is absolutely no consistency between governmental levels or even at the same level. Many small units do not understand (if they have heard of) mediation or factfinding. Grievance arbitration is not always used, and even when it is used, it varies enormously in scope and application. Sometimes supervisors are in the union, sometimes in a separate union, and sometimes not in any union. Some police departments, for example, exclude all supervisory employees from the rank of sergeant up,

while others include all policemen except the chief. This lack of uniformity works in erratic ways, sometimes against labor, sometimes against management, and sometimes against both. Unfair labor practices by management, such as bullying employees or reneging on agreements to accept the findings of arbitrators, while not quite common, still occur. These practices would be rare if a statewide policy and review board existed.

On the other hand, some employers are simply afraid of unions and give away not only their management rights but also the agency exchequer. They might not do so if there were broadly known practices and policies. Finally, both parties may be frustrated by lengthy and fruitless bargaining sessions, loss of respect for each other, and dissatisfaction on both sides over the actual contract. With no statewide practice to guide the parties, unrealistic expectations are fairly common. This makes for bad feelings and labor unrest.

An associated matter is the question of equity. With no state law, varied practice leads to inequitable situations. At Northern Illinois University, for example, the clerical union, in an election called by the Board of Regents, was decertified even though the vote favoring the union was 235 to 120. The regents ruled that without a state law, a vote of a majority of all employees (240 of 479 in this case) in the bargaining unit was needed for verification, and that the endorsement had therefore been five votes short. This absolute majority is perfectly legal, but well at odds with prevailing private practice — with voter referendums generally, and with what other state agencies are doing. Without a state law, it is impossible to assure that likes are treated in like fashion. For example, a labor relations policy for, say, settling police grievances, depends purely on where one works or what the government is willing to do, even when the policy may have substantial statewide impact.

## Labor-management activities

An example of the range of Illinois labor management activities is shown in table 3. It involves a randomly selected group of 25 municipalities (16 in the Chicago area, 9 downstate) over 10,000 in Illinois which were surveyed in fall 1976. Eight, about a third, had no

reported union membership. Four others had employee members in unions which were not recognized by the municipality. Thirteen, or about half, recognized one or more union. In this latter group, five were largely or completely organized. Assuming this is true of all larger municipalities, about a third will have no reported union activity, about a fifth will be largely or wholly unionized, and about half will fall somewhere between.

Of those units with unions, nine agreed to have the employer check off and remit dues to the union or employee organization. Seven of the municipalities had a formal grievance procedure, and only four had formal mediation or arbitration (*impasse*) provisions. These three provisions are crucial to an effective labor-management relations program, and their absence suggests the unevenness of labor relations practice. Finally, five of the cities (three with recognized unions, two without) have had strikes or job actions such as police "blue flu." This total is higher than the average for Illinois (see table 4) and suggests that formal statistics about work stoppages understate the amount of job actions that actually take place.

Another advantage of a statewide law would be the probable elimination of some outdated management personnel practices which are both inefficient and unfair. Patronage, for example, despite perennial predictions of its demise, is still a hardy institution in Illinois, at least in most units. Most unions detest patronage even more than they favor seniority. Paternalism ("I take care of 'my' employees") is another problem. Another is some civil service or merit principles, such as elaborate written tests for promotion and hiring. Unions prefer seniority, and they have a good case since most examination or promotion procedures have little relationship to merit and, in any case, have never been validated.

## Labor peace argument

Some argue that statewide laws would promote labor peace by providing a means of mediating disputes, by requiring a central agency to establish bargaining units, conduct elections, rule on unfair labor practices, and settle disputes. This would be similar to the Office of Collective Bargaining which administers the governor's executive

## The increase in strikes in the past year is used as evidence that work stoppages will continue to increase unless there is central authority to regulate collective bargaining

order. The increase in strikes in the past year, as shown in table 4, is used as evidence that work stoppages will continue to increase unless there is central authority to regulate collective bargaining. The number of Illinois strikes jumped some 50 per cent in one year, and the increase was entirely in local government, led by education. The number of employees involved increased about ninefold. A central labor relations agency could certainly provide mediation for disputes which now often result in strikes, and any statewide law would certainly provide for some final resolution of irreconcilable differences short of strikes. However, before embracing the labor peace argument, one should understand that no set of laws or rules guarantee freedom from strikes. The best that can be said is that

statewide laws might reduce their frequency and severity.

A final advantage of a statewide law is that management's job would be easier in many cases. Personnel issues would be raised at specific contract times, nagging grievances would have a formal process for airing, and management would deal with one person representing all employees in that bargaining unit. This is a private enterprise model, and it works well there. It is a bit more impersonal and even more brutal than traditional public practices, for it assumes that employees get what their union is strong enough to bargain for. This thought horrifies many public sector officials, but they will simply have to face up to the inevitable result of an adversary relationship. While management may no longer be as paternalistic as in the past, it may not need to be as solicitous as before, either. If employees are to bargain collectively and thus equalize power with management, they may have to suffer on those occasions when the bargain struck is not as favorable as before.

## Compromise bill

Statewide collective bargaining laws have failed in the past, and they will likely fail again before one passes, if, in fact, one ever does. Passage is dependent largely upon an agreement by both parties, labor and management, that they stand to gain more by working out a compromise bill acceptable to both sides than they will lose by the present hit and miss system which has developed in Illinois. In so doing, they will have to convince legislators and a diverse set of interests that the time for a comprehensive statewide act is here. This may not be the time. However, a look at the present situation suggests that both parties are paying a high price for lack of a statewide act and, in fact, that those presumably benefitting may not always be realizing the fullest benefits.

Organized labor is losing opportunities for membership gains, and may actually be losing ground. In addition, it is becoming clearer that management in many cases is fully capable of driving a hard bargain and there may not be economic advantages to unionization. In at least one case (DeKalb County Nursing Home), decertification resulted in employees receiving a pay boost as

**Table 4**  
**Strikes and work stoppages in Illinois 1973-74 and 74-75 (October-October)**

	October 73-74	October 74-75
State and local (government strikes, nationally)	471	490
State and local (government strikes, Illinois)	28	43
State of Illinois:		
Strikes	3	2
Employees involved	495	374
Local government:		
Strikes	25	41
Employees involved	3897	36379

**(Selected Functions)<sup>1</sup>**

Education	17	30
Highways	5	8
Police and Fire	1	3
Others	6	11

<sup>1</sup>Several functions might be involved in one strike.

Source: U.S. Bureau of the Census *Labor Management Relations in State and Local Governments, 1974 and 1975*, Series GSS 75 and 81 (Government Printing Office, 1975, 1977), pp. 92, 117.



they moved up to the overall county scale. Labor may have to reconsider its opposition to any bill which is not pro-labor.

Management may have to look at the price in terms of labor strife and the uncertainty that inconsistent provisions and unsophisticated techniques have caused. The famous Skokie police firing of several years ago resulted in a court decision which reinstated patrolmen, but at a cost the patrolmen generally were unwilling to pay (court costs, etc.). Many units can avoid unions if they have the will and sometimes the money to buy off employees, but there will be many cases where this will not work. Where it will not work, there will be job actions, or at least substantial unrest. This will be extremely costly in terms of

# Illinois Issues

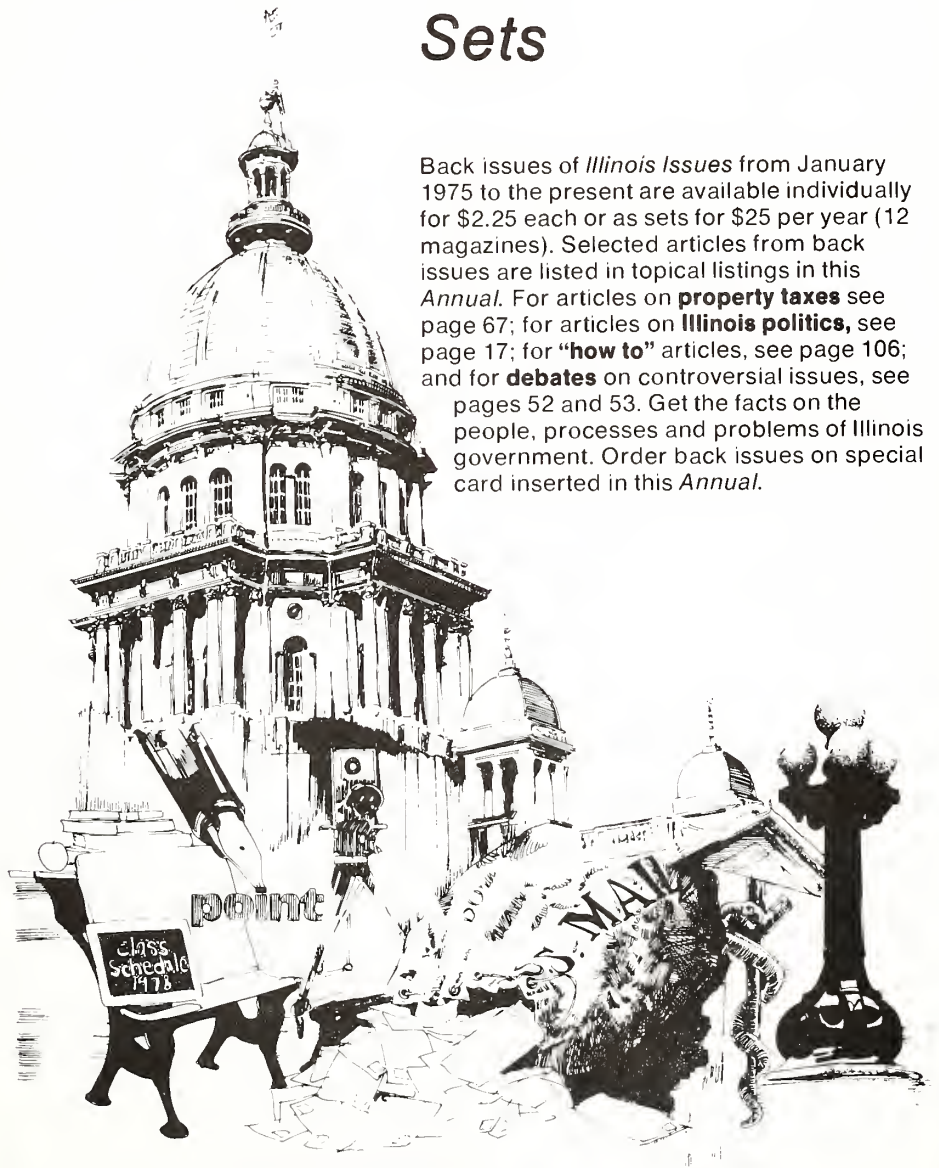
## Back Issues: Singles or Sets

Labor may have to stop opposing any bill which is not pro-labor, and local government management may have to start backing moderate bills

public support, long-term employee relations and possibly financial stability. Local government management organizations, (such as the Illinois Municipal League, Urban Counties Council, Illinois Association of School Boards, etc.) may have to vigorously support a moderate bill.

A statewide collective bargaining bill is needed to stabilize bargaining practices. Management would probably benefit from such a bill because it would know at last what to expect and — with stable, statewide bargaining conditions — would be able to negotiate with flexibility. Contrary to cries of alarm and indignation, an equitable bill will not force public employers into fiscal insolvency. Unions still have to bargain for what they get, and so far neither the state under Executive Order No. 6 nor any local unit has been bargained into bankruptcy. Where unions have exacted excessive awards, a statewide bill would hardly make the case worse. Collective bargaining won't go away. If legislators don't pass a bill in this session, the same old debate will continue — and the same problems will remain.□

Back issues of *Illinois Issues* from January 1975 to the present are available individually for \$2.25 each or as sets for \$25 per year (12 magazines). Selected articles from back issues are listed in topical listings in this *Annual*. For articles on **property taxes** see page 67; for articles on **Illinois politics**, see page 17; for "how to" articles, see page 106; and for **debates** on controversial issues, see pages 52 and 53. Get the facts on the people, processes and problems of Illinois government. Order back issues on special card inserted in this *Annual*.



Legislative redistricting will determine  
the political shape of Illinois in the 1980's

# Reapportionment begins now!

ASK THE "typical voter" for an opinion on legislative reapportionment, and chances are you'll get a blank stare in return. Those who have heard of the subject likely consider it to be the proper domain only of demographers and cartographers, something over which political leaders smack their lips and editorial writers wring their hands. But it's more than just "slicing the salami," as one old-time politician put it. All those squiggly lines running hither and yon on the state map translate into considerable impact on Mr. Voter's everyday life.

Past reapportionments in Illinois, for example, usually have determined whether Mr. Voter will be represented by Democrats or by Republicans in the Illinois General Assembly. A basic rule of thumb for the mapmakers has been to fashion the vast majority of the districts so they would be "safe" for one major party or the other, leaving only a handful of "swing" districts to move with the shifting political winds. "That way, in any given election, control of the legislature can change with the will of the people," explained one expert in the field.

## Balanced map

The current map was drawn for balance; its architects proclaimed that 28 districts would elect Democrats, 28 would elect Republicans, and the remaining three would be uncertain, in most years.

Another cardinal rule has been to attempt to protect incumbents by designing districts to meet their needs. One basic consideration, of course, is to



avoid putting more incumbents into a district than there are seats to be filled. The effort sometimes results in strange configurations. In 1965, the new Senate map worked out by party leaders and the courts included one district on Chicago's Southwest Side from which hung a scrawny appendix two blocks wide and 10 blocks long, called the Whitey Cronin corridor. The strip was designed to link the new district to the home of Sen. A. L. "Whitey" Cronin, a popular Democrat whose old district was carved away in the reapportionment. The well-intentioned efforts to provide Cronin a district from which to run went for naught, however. A Republican living at a more central location in the district upset the 12-year Senate veteran by 1,330 votes.

These common reapportionment guidelines — making politically safe districts and protecting incumbents — have come under fire from reform groups who argue they dilute the value of citizens' participation in politics, make legislators less responsive to their constituents and permit parties to field weak candidates.

To remedy these perceived evils, one

such group, Common Cause, has proposed establishment of an independent, nonpartisan commission to draw district lines to remove the inherent conflict of interest present when legislators draw the lines. Others have turned to the courts. In one case, after a three-judge federal panel agreed that Illinois congressional districts were malapportioned, the plaintiff Sherman Skolnick, a self-styled legal researcher from Chicago, declared his suit was "a way to get the political hacks out of office without firing a shot. We're not going to stand for any hanky-panky wherein they can have safe districts that look like cigars, or a snake, or fishhooks," he asserted.

Despite the reformers' efforts, reapportionment in Illinois is first of all a legislative duty, according to the 1970 Constitution. Only if the legislature fails does the task pass on to another body, and that is a redistricting commission named by legislative leaders.

But, the effects of reapportionment are not felt just at election day. They permeate many of the crucial issues facing the General Assembly — any topic on which the major parties or the competing areas of the state strongly identify with opposing views.

## November election

The subject of reapportionment is particularly relevant now, with the November general election close at hand. The two-thirds of the Senate to be elected this year will form the nucleus of the upper chamber for the state's next redistricting three years hence following the 1980 census. The process in 1981 may present the Republican party a golden opportunity to map itself into a position of legislative dominance for the next decade, thanks to a combination of political fortune and changing demo-

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graphics which appear to favor the GOP.

Republican strategists — and most impartial pundits — expect Republican Gov. James R. Thompson to defeat handily his Democratic challenger, Illinois Comptroller Michael J. Bakalis. The GOP scenario calls for dozens of Republican legislative candidates to sweep to victory on Thompson's coat-tails, perhaps enough to overcome the Democrats' 34-to-25 Senate advantage and 94-to-83 House margin. The timetable then calls for Republicans either to maintain control or to achieve it in 1980, so that the General Assembly drawing the new map, and the governor signing the measure, will be Republican.

Whetting GOP appetites for the mapmaking process are projections of massive population shifts away from Chicago and into the suburban areas. Under the U.S. Supreme Court's "one man, one vote" rulings, legislative seats should follow the fleeing city dwellers to Republican suburbia.

## Suburban gains

Thus the key issue in the 1981 remap fight is likely to be: Will the balance of power shift from Chicago to the suburbs if the 1980 census reveals the huge city emigration everyone predicts? It's not a new issue. Reapportionment in Illinois has not been an easy task at any time in this century, and the biggest stumbling block has always been what to do with Chicago and Cook County.

The 1870 Constitution mandated the legislature to apportion the state by population after every decennial federal census. Districts were to be "formed of contiguous and compact territory, bounded by county lines, and [should] contain as nearly as practicable an equal number of inhabitants." In the first reapportionment after adoption of that charter, Cook County, with 13.8 per cent of the state's population, was allotted 7 of the 51 districts.

For the rest of the 19th century, the legislature faithfully discharged its duty, each decade increasing Cook County's share of the districts as that area's population burgeoned to 1.8 million by the 1900 census:

- Act of 1882, Cook County with 19.7 per cent of the state's population, 10 districts.
- Act of 1893, Cook County with 31.2 per cent of population, 15 districts.

- Act of 1901, Cook County with 38.1 per cent of population, 19 districts. But after the 1910 census, which showed some 43 per cent of the state's citizens living in Cook County, the legislature failed to allot to the county the extra three districts to which it was entitled.

Historians give a cogent reason why there was not to be another redistricting for more than half a century: Downstate rural-oriented legislators realized that faithful adherence to the Constitution's reapportionment mandate inevitably would transfer control of the state's

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Reapportionment in Illinois has not been an easy task at any time in this century, and the biggest stumbling block has always been what to do with Chicago and Cook County

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legislative branch to the urban interests of Cook County. By the 1930 census, Downstate fears were a reality; Cook County had 52 per cent of the state's residents, though they were represented in the legislature by only 37 per cent of the lawmakers from the 19 districts of 1901.

## Stratton's determination

The imbalance persisted until 1953, when the newly inaugurated governor, Republican William G. Stratton, was determined that the Assembly should be apportioned on a more equitable basis. Stratton was motivated by more than a sense of justice and fair play; he realized much of Cook County's growth was in the Republican controlled suburban areas.

The 1950 census showed Cook County with some 52 per cent of the population, so its residents were entitled mathematically to a majority in the legislature.

But there was strong opposition to giving Cook County its fair share. "I know members of the House of Representatives who, if you reinstituted the rack, would not vote for reapportionment that would permit the County of Cook to dominate the Legislature, either at the Senate or at the House

level," declared House Speaker Warren Wood, a Plainfield Republican, in 1953.

Despite the opposition of Wood and of House Democratic Leader Paul Powell of Vienna, a constitutional amendment to reapportion the legislature threaded through both Senate and House and was approved by voters at the 1954 election. In an effort to allay Downstate fears, the amendment departed from the 83-year-old idea that legislative districts in both chambers were to bear some relationship to population. Instead, it adopted the same kind of area-population amalgam that exists at the federal level. There were to be 58 Senate districts, an increase of seven, arranged as follows: 34 Downstate, 18 in Chicago and 6 in suburban Cook County.

The amendment clearly spelled out that for the formation of Senate districts, "area shall be the prime consideration." Its terms guaranteed that Downstate, though having less than half the state's population, would control the Senate by a 10-district edge; the margin was to be eternal, for the amendment contemplated no further change in Senate boundaries once the 1955 lines were drawn. Politically, the division seemed to assure Republicans the same perpetual control of the Senate, which they had enjoyed for all but 12 of the previous 60 years.

For devising House districts, of which there were to be 59, population was the key determinant and the legislature was to reapportion after every federal census. Districts were to be apportioned among the city of Chicago, the Cook County suburbs and the other 101 counties according to each political subdivision's proportionate share of the state population, with individual districts then drawn within the subdivision boundaries. For the 1955 reapportionment, Chicago was allotted 23 districts, the Cook County suburbs 7 and Downstate the remaining 29.

To insure the legislature would not ignore the constitutional order to reapportion — as it had the old mandate — the new procedure called for a commission to do the job should lawmakers fail and for an at-large election of all House members if the panel did not produce a map. In 1955, such draconian penalties were not needed; the General Assembly drew new districts according to the amendment's guidelines and Stratton signed the bill

into law. Not surprisingly, the districts were designed as much as possible to protect incumbents and to strengthen each party in its dominant areas.

## Kerner's veto

When it came time to redistrict the House eight years later, the Republicans controlled both chambers, but a Democrat, Otto Kerner, was governor. The GOP sent the governor a House reapportionment bill, but Kerner vetoed it because of population inequities (the largest district had more than twice as many residents as the smallest).

A key point of contention was how many districts Chicago should have. Population shifts from the city to the suburbs registered by the 1960 census indicated that two of Chicago's 23 districts should go to suburban Cook County. Democrats instead wanted to overlap districts on the city's edges just far enough into suburban territory to pick up the additional population needed to justify keeping all 23. Republicans contended such an arrangement would violate the state Constitution's "Chinese Wall" separation of Chicago, suburban Cook County and Downstate. When the redistricting commission also failed to resolve the dispute, all 177 House members were elected at large in the 1964 election.

When the 74th General Assembly convened the following January, a new element had been added to the reapportionment snarl — the Illinois Senate. In a landmark 1964 ruling, the U.S. Supreme Court held that both chambers of a state legislature had to conform to the one-man, one-vote principle. "Legislators represent people, not trees or acres," wrote Chief Justice Earl Warren in *Reynolds v. Sims*. "Legislators are elected by voters, not farms or cities or economic interests. . . . We necessarily hold that the Equal Protection clause required both houses of state legislature to be apportioned on a population basis."

## Judicial remap

Once again, the legislature was not up to the task, as the Republican Senate and the Democratic House were unable to decide what to do with Chicago. So the task of redistricting the Senate fell to the Illinois Supreme Court, with the federal courts looking on, while the

House was to be remapped by another redistricting commission.

Federal and state judges and party leaders reached a compromise on the Senate by late summer, and the Illinois Supreme Court adopted a map calling for 21 Chicago districts, 9 suburban Cook County districts and 28 Downstate districts. The greatest divergence of district population from the state median was 7 per cent. None of the districts breached the "Chinese Wall" separating the state's three constitutionally ordained divisions — Chicago, suburban Cook County and Downstate. The House commission reached agreement later in the year, thus avoiding another at-large election. The panel accepted the same district lines for the 21 Chicago and 9 suburban Cook County districts as were contained in the Senate map, then drew completely different boundaries for the 29 Downstate districts.

## 1970 Constitution

While the 1970 census was being taken, the Sixth Illinois Constitutional Convention was meeting to fashion a new basic charter for the state. Both events strongly influenced the current apportionment, for the convention laid to rest the notion that districts could not overlap Chicago and the suburbs, or Cook County and adjacent counties.

The new Constitution which voters approved late in 1970 says only: "Legislative Districts shall be compact, contiguous and substantially equal in population." Removing the constitutional underpinning from the "Chinese Wall" proved immensely helpful in resolving reapportionment in 1971, when once again the major stumbling block was Chicago's representation.

The 1970 census documented another decline in the city's population so that Chicago was entitled to 17 and a fraction districts, instead of the 21 it had, while the Cook County suburbs deserved 11 and a fraction, instead of 9. Chicago legislators were unwilling to lose those seats, pushing instead for overlapping districts that would bring enough suburban voters into city-based districts to meet population standards, but not so many that Democratic control would be threatened.

Late in the session, such a map passed the House after leaders of both parties had hammered out a compromise.

House Speaker W. Robert Blair, a Park Forest Republican, acceded to Democratic wishes for Chicago. In return, he was given virtual carte blanche to draw Downstate districts as he saw fit to perpetuate Republican control of the legislature. But Republicans in the Senate refused to accept the House proposal, which they labeled a sellout of the suburbs, and the session ended without a map.

But the handwriting was on the wall. Under the 1970 Constitution when the legislature fails to reapportion, the task falls upon an eight-member commission whose members are appointed by legislative leaders. Senate President Cecil A. Partee, a Chicago Democrat, House Democratic Leader Clyde L. Choate of Anna, and Blair all named themselves and a top aide to the commission. Senate Republican Leader W. Russell Arrington of Evanston chose former Gov. Stratton and Sen. Terrel E. Clarke, an assistant GOP leader from Western Springs, as his appointees.

When the commission, by a 6-to-2 vote, approved a reapportionment plan in late summer, no one was surprised that it proved almost identical to the one Senate Republicans rejected some seven weeks earlier. Both Stratton and Clarke voted against the measure, bitterly denouncing it as "a travesty on the constitution" that made some 400,000 suburbanites "subordinated to the interests and dictates of the city's dominant political organization."

## Current districts

The plan, which set the district lines currently used, places 11 districts entirely within Chicago. Nine others around the city's perimeter overlap into the suburbs just far enough to reach the needed population level, but not so far that Democratic domination would be jeopardized. There are eight districts wholly in suburban Cook County and two others that sprawl into neighboring counties but remain firmly under Cook County control. The remaining 29 are scattered Downstate.

The commission's handiwork withstood a series of court challenges, despite the suburbanites' complaints. The Illinois Supreme Court did note, however, that the panel itself was established unconstitutionally because the leaders named themselves to it.

Though Blair touted the map as one



that assured GOP control of the legislature in normal years, the Democrats won majorities two years later in both houses of the Illinois General Assembly for the first time since 1936. Ironically, one of the "safe" Republican districts that elected two Democrats in the Watergate-tainted election of 1974 was Blair's own Will County base; the speaker, saddled with his role as chief architect of the Regional Transportation Authority, was the casualty.

Will history repeat itself the next time the legislature takes up redistricting in 1981 following the 1980 census? Will disagreement over how Chicago and Cook County should be handled force reapportionment to a commission again?

To hazard any guesses as to what might happen three years from now, the basic starting point is the state's population and how it has changed in the decade of the 1970's; the soothsayer must project what the state's population will be in 1980 because these census figures will be what the mapmakers will use.

Fortunately, the state itself publishes detailed, county-by-county estimates of future population change. Since 1973, the Illinois Bureau of the Budget (BOB) has released data representing the most probable projections of future population changes based on current information. The projections are used as guidelines by all state agencies, boards and commissions in preparing required plans, programs and budget documents.

In the most recent revision, published last September, state population was projected to be 11,349,084 in 1980, an increase of more than 236,000 from the 1970 census count. Based on this figure for state population, mapmakers would have to place 192,357 persons in each of the state's 59 legislative districts to be consistent with the U.S. Supreme Court's one-man, one-vote principle.

## Chicago's loss

The BOB 1980 projection for Cook County is 5,261,031, a decrease of some 233,000 from the 1970 census. Based on the projected figure, the county would be entitled to 27 and a fraction legislative districts. Although the budget bureau planners don't include a specific estimate for Chicago, they and population experts associated with other planning groups agree that in the 1980

census the city's population will probably be pegged at a shade less than three million, perhaps around 2,950,000. Using that figure, which is a loss of more than 400,000 from the 1970 count, Chicago would be entitled to only a fraction more than 15 legislative districts — a loss of five districts.

Currently, the city's Democratic organization dominates 20 districts even though by the 1970 figures Chicago is entitled to only 17 plus. But through the device of overlapping 9 districts on the city's borders into suburban territory,

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**Population projections  
show Chicago would lose  
5 districts, suburban  
Cook County would  
gain 2 and  
the collar county  
area would gain 3**

---

the city enjoys the political edge in a total of 20 districts.

Suburban Cook County's projected population of 2,311,031 would entitle it to a fraction less than 12 districts, just about what the 1970 census disclosed. But the suburban area currently controls only ten districts (and two of these extend into neighboring counties) because the city put fractions of suburban population into the nine overlapping districts.

If Chicago stands to lose five districts, and suburban Cook County should gain two, where do the other three belong?

According to the BOB projections, the fastest growing area in the state is the five-county region surrounding Cook County. Those three Chicago districts should be shifted to this collar county area, whose population is projected to increase by some 347,000 to more than 1.8 million. The projected increases include: Lake, 54,404; McHenry 33,938; Kane, 36,481; DuPage, 121,809, and Will, 100,332.

In the other 96 Downstate counties, the total population is projected to grow only slightly, less than 3 per cent, compared to the almost 15 per cent growth in the Chicago suburban areas. The BOB projections for the Downstate counties generally show loss of population along the state's western and

eastern borders, and solid growth in the central portions of the state. Thirty-five counties are expected to lose population; the other 61 are projected to grow.

Because of the usually large areas associated with Downstate legislative districts and the relatively small overall population change, Downstate districts probably could be made to conform with the new population requirements with only minor adjustments of boundaries. Districts in Western Illinois and Eastern Illinois would have to increase their size to take in more population to make up for losses, while those in Central Illinois could be expected to shrink in size. In Northern and Southern Illinois, losses in some counties are likely to be offset by gains in others, so the overall impact on the size of legislative districts could be slight.

Of course, the mapmakers could abandon completely the existing boundaries and fashion a new map from scratch. But even should they do so, the 96 counties' 4.3 million population would entitle them to only 22 and a fraction districts, just about what they have now. Thus, the single most striking problem for the 1981 reapportionment is likely to be the same old dilemma — what to do with Chicago.

## Overlapping games

Could the city somehow save its threatened districts, perhaps by utilizing the same overlap technique that was used in 1971? To meet the court guideline, 20 Chicago districts would require a total population of 3,847,140, based on the projections. That's almost 900,000 more residents than Chicago is likely to have. Those 900,000 people would have to be taken from the suburbs. Adding the extra population to the nine city districts now extending into the suburbs would require placing almost 100,000 suburban voters into each overlapping district, giving the suburbs some 52 per cent of the total population — a situation in which the Chicago Democrats could not be sure of control, especially along the city's North and Northwest fringes.

Even though the existing nine overlapping districts were drawn to give Chicago at least a 2-to-1 edge in population, those suburban voters have given organization Democrats fits in several districts. While not enough to shift the districts to Republican control,

they have been able to replace regular Democrats with mavericks on occasion. "I think when Chicago Democrats extended the districts into the suburbs, they thought they were maintaining the status quo," said one Democratic legislative veteran. "But they made it possible for independent Democrats to be elected from those areas."

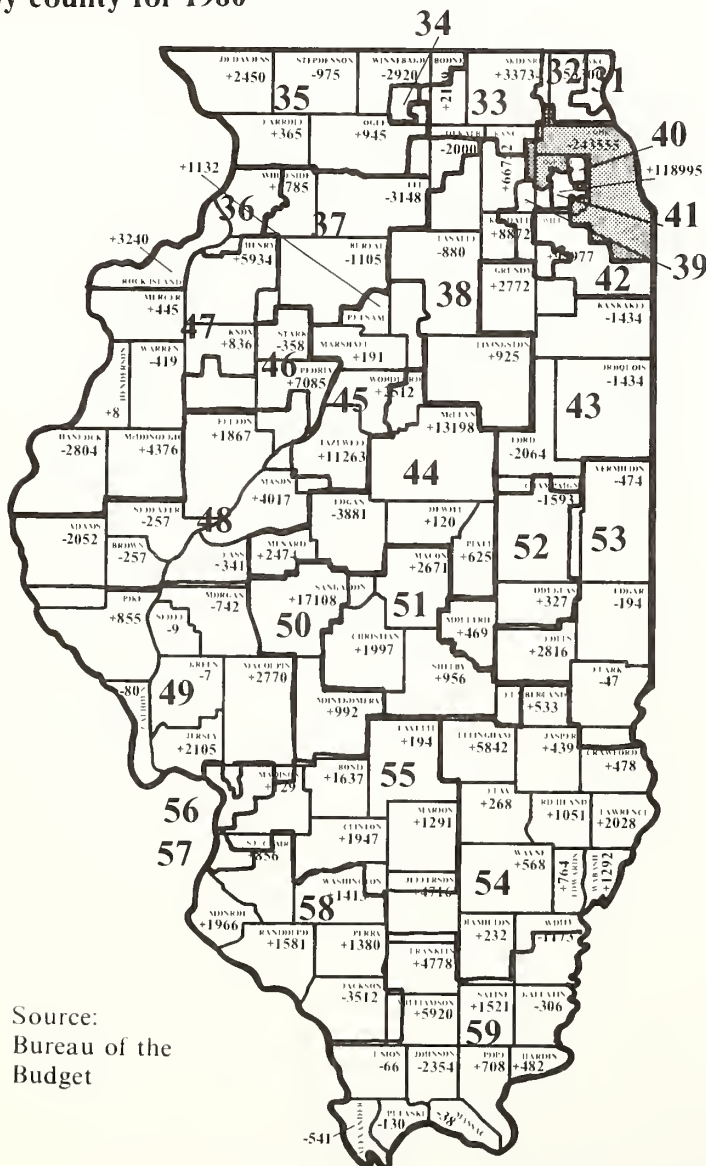
Chicago Democrats probably would not be assured of controlling legislative races in the 1980's if only the current

nine overlapping districts were given more suburban population. If all 20 city districts, however, could somehow receive an equal influx of suburban residents, city dwellers would outnumber the suburbanites in each by better than 3-to-1 margins. But it is doubtful whether such creative cartography would survive the constitutional "compact and contiguous" test since such districts of necessity would have to resemble classic bowling alley gerry-

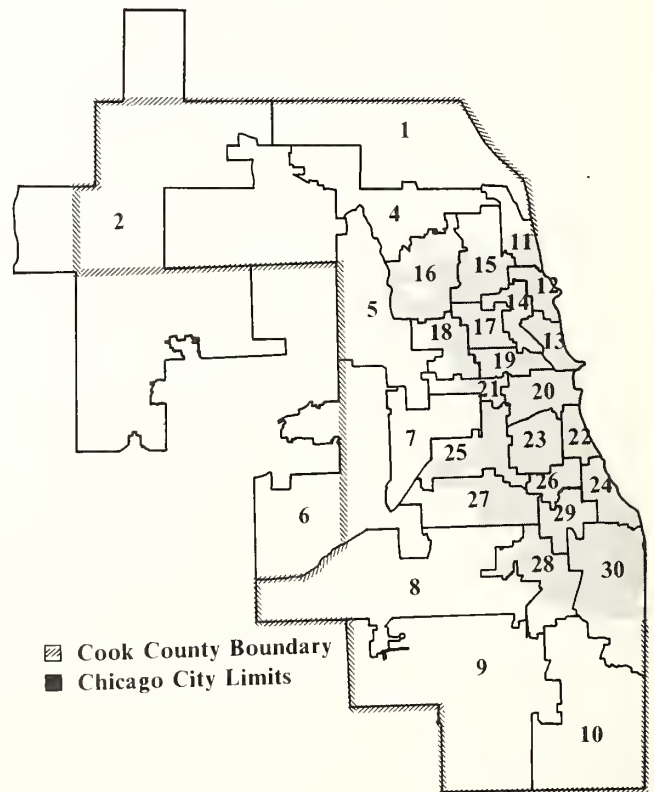
manders.

"Chicago will try to reach into the suburban areas for additional population," predicted House Minority Leader George H. Ryan, a Kankakee Republican. "They've nowhere else to go. But I couldn't be for it. That's good Republican ground they want to go for." What Republican mapmakers should look for, according to Ryan, who well might be handling the task for his party in the House, is a map that would elect GOP

### Legislative Districts other than Cook County (1971 Reapportionment) & projected population shifts by county for 1980



### Cook County Legislative Districts (1971 Reapportionment)



Source:  
Bureau of the  
Budget



legislative candidates.

Should Republicans control both House and Senate in 1981 and choose to play the Chicago Democrats' overlap game, suburban Cook County could easily absorb two Chicago districts by nibbling away at the city's edges. The projected population for the Cook County suburbs is 2,311,031, which would be just 318,967 short of the population required to support 14 districts within the Cook County Republican suburbs. If Republicans overlapped boundaries for nine of these projected 14 districts to include about 43,000 Chicago residents in each of the nine districts, the result would be suburban control of 14 districts. Chicago would be stripped of two more districts, thus reducing Chicago Democratic districts to 13. The *current* nine districts overlapping city and suburban county territory might serve the purpose, were they shifted outward from the Loop to envelop more suburban area.

How likely is it that such a catastrophe would befall the city Democrats? One Democratic leader discounts it happening, explaining that each party is more likely to develop its own priorities for reapportionment, rather than trying to accommodate the other party on less important remap points. While the Democrats might opt to preserve Chicago strength, the Republicans might be more interested in fortifying their Downstate positions, as happened in 1971. Additionally, the Democrat noted, reapportionment doesn't occur in a vacuum — there will be legislation pending in the General Assembly over which bargains can be struck to save Chicago districts. "But the potentiality is there for problems," he conceded.

## Chicago 'catastrophe'

Assuming the worst, from a Chicago point of view, what would be the impact if the city lost seven districts to the Republican suburbs? The most immediate result would be a shift in the partisan balance of the legislature.

The Democratic party would be weakened severely, particularly in the Senate. During the decade of the 1970's, only once have Republicans been able to win a Senate race in Chicago, and that was in a district which included a large number of suburban voters and weaker-than-usual city wards. So it seems

certain those seats moving to the suburbs would be Democratic seats and there would be virtually no hope Democrats could be elected from most of those newly created suburban Senate districts. On only three occasions in this decade have Democrats won Senate seats from the suburbs, and two of those were in 1974 when the stench of Watergate severely reduced Republican turnout.

The Senate currently has 34 Democrats and 25 Republicans. Shift seven seats to the GOP side of the ledger, consider that Democrats are conceding in private that they don't expect to retain several of the seats they now have outside of Chicago, and it's easy to see why such a reapportionment would cement Republicans into Senate leadership at least until 1991.

The effect of these potentially drastic changes in Chicago area districts is more difficult to foresee for Democrats in the House. The vagaries of cumulative voting sometimes permit a minority party to elect its two candidates to the House in a given district when the top vote-getter for the majority party greatly outdistances his running mate.

No Chicago district has elected two Republicans to the House in the 1970's, but in five instances, Democrats have swept all three seats. Republicans have been almost as consistent in the suburbs, though Democrats have captured two of the three seats on occasion in certain suburban districts, particularly the South Suburban 9th and the West Suburban 5th.

It's likely, however, that the GOP mapmakers who might strip Chicago of seven districts would also take pains to see that something is done about those existing suburban districts in which Democrats have shown success. Redrawing south suburban lines, for example, to dilute Democratic Cook County strength with solidly Republican precincts from eastern Will County might put an end to Democratic victories there. Similarly, the 5th District could be shifted northward to encompass stronger Republican territory.

Democrats in Chicago, of course, could try to offset losses by electing three House members from as many city districts as they could. So far, Democrats have consistently taken three spots in only one district, the South Side 26th. There the third Democrat runs as an "independent," then formally aligns

himself with the party after the new legislature has been sworn in.

But political observers suspect Democrats could post clean sweeps in many of the predominantly black districts, from which GOP candidates now are elected to the House with only a handful of votes, as well as in some white areas where the regular organization is especially powerful. In the 1976 general election, for example, the total Democratic vote for representatives more than tripled the total Republican vote in seven districts aside from the 26th, where three Democrats were elected. This would indicate that three Democrats could have been elected in each of those seven districts, if each candidate received exactly one-third of the Democratic vote, and all the Republican vote went to one GOP hopeful. Because Democrats only nominated two in each of those districts, Republicans were able to claim the third spot almost by default.

If Chicago Democrats were cut down to 13 districts, perhaps Democrats could elect all three representatives in half a dozen or more city districts. But the attempt might trigger GOP retaliation in those areas of the state where Republican strength is overwhelming.

## Legislative control

Since the House now has 94 Democrats and 83 Republicans, the potential for a shift in control is obvious. If Chicago loses seven districts, Republicans could gain some crucial House seats, although not with the same ironclad guarantee of success they might enjoy in the Senate.

In any case, the significance of this potential shift cannot be underestimated, given the importance of controlling a legislative chamber even by a single vote. Starting with the election of the Senate president or the House speaker, that vote can have far-reaching impact, especially since the majority party controls the committee system, including the all-important committee that assigns all bills to hearing committees. The majority party traditionally stacks the committees in its favor, so that the minority is unable to move legislation without the majority's support. Committee control is tantamount to setting the agenda for the session; bills the majority does not favor are squelched in committee, while the majority's program is reported favor-

ably to the floor.

Control of the chamber also carries with it control of the gavel, and thus almost absolute control over floor action. A skilled person in the chair can adroitly maneuver legislation so that favored bills are called for action at a propitious time, while unpopular bills are called at inopportune times — like late in the afternoon on a day when the legislature is scheduled to adjourn for a weekend. By choosing to recognize one speaker and not another, by imposing strictly the debate time limits on one speaker and not another, even by cutting off a member's microphone, the person in the chair can manage the debate. Finer points of controlling debate include prolonging it to allow a sponsor to seek out the extra votes he needs to pass a bill or curtailing debate before a sponsor can find those additional votes.

Procedural and parliamentary rulings from the chair help determine the outcome of legislation. For example, the state would have a far different get-tough-on-crime package had House Speaker William A. Redmond, a Bensenville Democrat, not ruled in June 1977 that the Senate amendment embodying Gov. Thompson's "Class X" proposal was not germane to the House bill chosen to be its vehicle.

But the significance of seven fewer districts in Chicago goes beyond merely choosing legislative leaders. In the Senate, the shift would probably mean seven additional suburban Republicans and seven fewer Chicago Democrats. In the House, based on the current breakdown, 14 Chicago Democrats and 7 Chicago Republicans would be replaced by 14 suburban Republicans and 7 suburban Democrats.

The impact, however, is greater than the loss of 7 Democratic seats in the House; it means exchanging 21 usually reliable votes for 21 unpredictable, potentially hostile votes on issues important to Chicago. So the forthcoming reapportionment could greatly influence the scores of questions upon which the legislature frequently is split along partisan or sectional lines.

In the House, for example, Chicago Republicans traditionally support their Democratic brethren on issues vital to the city. So far, no viable suburban bloc has emerged in the legislature. Under the scenario being considered, however, Suburbia would control 24 districts —

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## If Republicans overlapped boundaries for 9 of their projected 14 districts to include Chicago residents, the city would lose 2 more leaving Chicago Democrats in control of only 13

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14 in Cook County and 10 in the collar counties — and perhaps would have the numbers to forge an effective coalition on issues important to suburban residents.

Shift seven districts from Chicago to the collar counties and suburban Cook, then consider:

- How long would labor's current advantage over business continue in the General Assembly?
- How successful would Regional Transportation Authority (RTA) backers be in repulsing the recurring assaults, usually led by suburban legislators, on the transit agency's financing and powers?
- How likely would the Chicago schools be to receive the same disproportionate share of state school aid they enjoyed last year?
- How much would chances for passage improve for so-called "good government" or "reform" legislation which Chicago Democrats usually oppose?
- How unified would the Democratic party remain with Chicago's influence diluted?

## Business and labor

A study made by the Illinois State Chamber of Commerce, a leading business spokesman on legislative matters, showed that the Senate and the House voted on the side of the Illinois AFL-CIO (and thus labor) at least 60 per cent of the time. In contrast, the business position in the 1977 session had minority support of only 23 senators and 86 representatives on as many issues.

In 1975, the legislature passed sweeping revisions of the state's workmen's compensation and unemployment insurance programs, giving labor a victory beyond its wildest dreams. For the last

three years, the business community has been fighting in Springfield to roll back some of the benefits labor won, but with little success. The 1975 changes would not have been possible without top-heavy Democratic majorities in the House and the Senate. Rolling them back won't be possible, in all likelihood, while the Democrats are in control.

This spring, for example, all the business-backed revisionary bills died in committee, gunned down by the Democrats' guaranteed vote margin. Had Republicans been in control, one GOP leader claims, not only would the measures have made it to the floor, but they probably would have gone to the governor for his signature.

Nor would business' gain be limited to Republican votes were the seven districts shifted from Chicago to the suburbs. According to the state chamber study of voting records, suburban Republicans voted with business more often than their party colleagues from Chicago. Most Chicago Republicans voted the "right" way more often than not according to the AFL-CIO standards. A fifth of the Democratic House members from the suburbs voted with the business position at least 40 per cent of the time. But only two of Chicago's 41 Democratic representatives and two of its 20 senators scored that well by the chamber's tally.

So suburban representatives as a group, regardless of party, tend to be more amenable to business goals and more willing to buck the union position than their Chicago colleagues.

## The RTA

Legislative leaders agreed that the RTA could be in trouble if the balance of power shifts to the suburbs. Suburban legislators from both parties are almost unanimous in their belief that the four-year-old transit agency should be revamped to provide better treatment for their constituents. While it would probably take more than reapportionment to set the stage for dismantling the RTA, as some Suburbanites wish, additional political clout for the suburbs could be translated into such immediate, nitty-gritty items as a differential gasoline tax among RTA service regions and a greater suburban say in day-to-day operations.

During this legislative session, of course, no significant RTA measure has



reached Thompson's desk, thanks in part to Chicago Democrats' stranglehold on the transportation committees. But, would a future legislature, in which Suburbanites and Downstaters far outnumber Chicagoans, strike some bargain under which a portion of the motor vehicle-derived revenues now going to the RTA would be funneled instead into Downstate road repairs? Efforts to forge such a coalition have occurred, but the numbers weren't there. With 7 more suburban senators and 21 more suburban representatives, they might be.

## School aid

The school aid formula is a complex mechanism by which the state parcels out almost \$2 billion to more than 1,000 local school districts. Legislators have tinkered with its provisions every session since its adoption in 1973, and the goal has always been the same: get a larger piece of the pie for the school children (translation: teachers' salaries) back home.

Chicago has always done quite well, thanks in part to a special weighting factor for poor children that lets city school administrators count each poor kid as a kid and three-quarters, as well as other factors. During the last school year, for example, Chicago received about 41 percent of the new state dollars pumped into the distributive fund, although the Chicago schools enrolled only about 22 per cent of the state's pupils. Suburban legislators have complained they are shortchanged by the formula. A legislature with strengthened suburban representation and a weakened Chicago representation might decide to slice the pie in a fashion more appetizing for suburbia.

## Government reform

Swapping Democrats for Republicans and city dwellers for suburbanites would have a bearing on such politicized issues as election law, ethics and judicial selection. Republican efforts to extend polling hours until 7 p.m., the better to accommodate returning commuters in heavily GOP suburban areas, have consistently been blocked by Chicago Democrats. So has the open primary notion, in which voters would not have to disclose a party preference to cast a primary ballot. Last spring, Democratic

leaders refused to permit any election law reform measure to reach the House floor, effectively forestalling GOP efforts to adopt both extended polling hours and the open primary. Chicago Democrats also have opposed efforts to prohibit double-dipping, the practice of one person holding two public jobs, as a substantial percentage of the Chicago delegation does. Republicans and suburban Democrats, including those lawyers whose double-dipping as attorneys for local governments and school districts would not be barred, generally want to outlaw the practice.

Last spring when Gov. Thompson offered in the House a warmed-over version of the ethics package Senate Republicans had helped kill in 1977, Democrats on the House Rules Committee wouldn't even let it be considered. Despite their feelings about the package's merits, Republicans presumably would have at least permitted committee consideration of the governor's plan.

The proposed constitutional amendment to have judges appointed by the governor rather than elected by the people fell short in the House last spring, despite a well-orchestrated publicity campaign and a barrage of editorial endorsements. Only a handful of Republicans opposed the suggested change, which was sponsored by a Chicago Republican and a DuPage County Republican. Fewer Chicago Democrats voted for it.

## The Democratic party

Reapportionment would have an influence on party structure, under the dramatic shifts projected here. Electing 7 more suburban Democrats and 14 fewer city ones in the House not only represents a net loss of 7 votes for the Democrats. In all likelihood, it also means a loss of anywhere from 10 to 14 disciplined organization votes upon which the Chicago leader can depend.

Suburban Democrats tend to be more their own people, less willing to support a party position for strategic reasons or to participate in the legislative logrolling often needed to form the fleeting coalitions essential to pass any controversial measure. Many suburbanites also make no secret of their dislike for the Chicago organization. Such high principles, lamented one suburban Democrat, sometimes carry with them a

high price: less scrupulous Downstaters break bread with the Chicagoans and the suburbs are left with only the crumbs. And some believe that increasing suburban representation in the Democratic conferences might exacerbate party fragmentation.

But even in the worst case, the Chicago Democratic bloc probably will continue to represent the largest group of easily manageable votes in the legislature. How successful Chicago would be in such a case would depend to a large extent on its leaders' ability to put together the votes needed from elsewhere to achieve its goals. The shift would make the task more difficult for the Chicago Democratic leaders, but not impossible. "Population shifts are going to present a problem for our leadership," acknowledged House Majority Leader Michael J. Madigan (D., Chicago). "But the inherent Democratic vote in Chicago and Cook County will always provide a strong base for the Cook County leader in the legislature."

Of course, a clever mapmaker could make life miserable for the city organization itself by skillful tinkering with the boundaries of city districts. The Lakeshore independent redoubts could be extended westward into the Spanish-speaking areas of the Near North and Near South sides, instead of remaining stacked up along the lakefront. Such a shift would raise the possibility that one independent and one Latino, and perhaps no regular, might be elected from these districts.

Lines could be drawn to maximize representation for the city's black population. Or a particularly mischievous cartographer could put the fabled 11th Ward, bailiwick of the late Mayor Richard J. Daley, into a legislative district dominated by the black wards east and south of it.

If Republicans do control the General Assembly and the governor's office during the 1981 reapportionment, the possibilities are endless. Old power bases to be wiped out, new ones to be created; some issues to be promoted, others to be doomed. The course of state politics to be determined for a decade, perhaps longer. And reapportionment is the key.

In the words of one politician who's more than dabbled in the art of creative cartography: "You tell me the results you want, and I'll draw you the map to do it." □

## Outlook good for Republican president in 1980

# Vote power: suburbs up, cities down

FAST-GROWING DuPage County in Illinois and Oakland County in Michigan may soon become as powerful as Orange County in California in their ability to put their states in the Republican column in presidential elections. Gerald Ford's Orange County vote total easily surpassed Jimmy Carter's Los Angeles County plurality, and this fact alone made it nearly impossible for the Georgian to carry the state. The same thing could happen in Illinois and Michigan. Michigan's Oakland and Illinois' DuPage are growing rapidly in population, and these new Republican voters in the suburbs are offsetting the strength of Democratic Chicago and Detroit more and more in each presidential election.

Already in Illinois, Republicans in DuPage, combined with the suburban area of Cook County plus four other collar counties around Cook, have reached parity with Democratic strength in the city of Chicago (see "Downstate holds the key to victory" in February, pp. 7-11).

The 1960 and 1976 presidential races are crucial in understanding the changing political and demographic realities of presidential politics. Suburbanization of American life has weakened traditional big city Democratic bailiwicks in state politics. Detroit in Wayne County and Chicago in Cook can no longer produce large enough vote margins to allow Democratic presidential candidates to carry their states. This

*Table 1*  
**Presidential results 1956-1976**

	Cal.	Ill.	Mass.	Mich.	N. Y.
1956	R	R	R	R	R
1960	R	D	D	D	D
1964	D	D	D	D	D
1968	R	R	D	D	D
1972	R	R	D	R	R
1976	R	R	D	R	D
Total	5R-1D	4R-2D	1R-5D	3R-3D	2R-4D

*Table 2*  
**County victories by party  
1956-1976 presidential elections**

	Number of Counties	Total Democratic Victories	Total Republican Victories	Percentage Democratic Victories
Cal.	58	145	203	41.66%
Ill.	102	141	471	23.03
Mass.	14	55	29	65.47
Mich.	83	133	365	26.70
N. Y.	62	94	278	25.27
Total	319	568	1346	29.68%

phenomenon has already occurred in California, and New York is heading in that direction. These four states are "big county" industrial states, and an analysis of voting trends in presidential elections indicates a gloomy future for Democrats. Massachusetts, which goes against this trend, is included in this analysis but remains an anomaly.

The following interstate study will compare presidential results county by county in California, Michigan, New York, Massachusetts and Illinois from 1956 to 1976. Democratic presidential candidates have been successful in northern industrial states when vote margins in the state's largest county or counties out-voted the rest of the state. Traditionally the big county or counties contained a state's largest cities which

produced the bulk of Democratic votes. When these heavily Democratic cities turned out, they could pull the entire state into the Democratic column. In the five states under study only Massachusetts and New York still have large counties containing big Democratic cities with the vote margin muscle to carry for Democratic presidential candidates.

Table 1 shows how these five states have voted for president since 1956. The five-state total splits evenly between Republicans and Democrats. But, as seen in table 2, Republican presidential candidates from 1956 to 1976 have more than a 2-to-1 margin in total counties carried in the five states. This huge gap appears despite the incredible 1964 landslide election of Democrat Lyndon B. Johnson, who won 288 (over 90%) of the 319 total counties in the five states. Eliminating 1964, the Democratic winning county percentage is reduced to 17.61 per cent since the 1956 presidential election.

## California

LBJ's landslide 1964 victory stands as the sole Democratic triumph in California in presidential races since 1956. He carried 53 of 58 counties and won by over 1,290,000 votes or a 59 per cent plurality. Democratic candidates in the five other presidential contests have carried only 31.72 per cent of California's counties. California has been the most Republican of the five states in recent presidential elections even though it has the second highest percentage of Democratic county victories. (see table 3).

The key question to be asked about California (as will be asked about the other states) is not only how *many* counties were won but *which* ones. For example, three counties — Plumas,

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Shasta and Yolo — with a combined population of 186,035 have supported every Democratic presidential candidate since 1956, while five counties (Alpine, Mono, Orange, San Diego and Sutter), with a combined population of 2,824,675, have supported every Republican presidential candidate. This population disparity is reflected in the vote margins. Whereas the three Democratic counties have a combined edge of 53,027 for their candidates, the five Republican counties have an edge of 1,295,902 votes for GOP standard bearers. These figures translate into a simple fact: the steady Republican counties are vastly bigger and produce larger vote margins than their Democratic counterparts.

Looking at the whole state, the Democrats have 21 out of 58 counties with better than a 50 per cent voting average for their party's presidential candidates. Most of them are clustered in the mid-north central part of the state and in California's sparsely populated far northern region. The combined population of these 21 Democratic

The future looks ominous for Democrats in California. Democrats must cut into suburban Los Angeles and the large southern California counties in order to carry the state

counties is 4,427,576, which is less than two-thirds of the population of Los Angeles County. The large Los Angeles County suburbs which arc around the city of L.A. prevent this county from being a strong Democratic bastion.

The 1970 census shows that the six largest California counties (see table 4) comprise 63.4 per cent of the state's population. If a Democratic candidate is going to be successful in California, he must do well in the "big six." An analysis of the presidential vote since 1956 in these counties shows the Democratic problem in the nation's largest state. Averaging the Democratic presidential candidate's vote for every county since 1956 shows that Orange County, the state's 2nd largest, is the worst Democratic county in California. This bur-

**Table 3 California**

	Total Vote	Plurality	Counties Carried
<b>1956</b>			
Eisenhower (R)	3,027,668	607,533	45
Stevenson (D)	2,420,135		13
<b>1960</b>			
Nixon (R)	3,259,722	35,623	32
Kennedy (D)	3,224,099		26
<b>1964</b>			
Goldwater (R)	2,879,108		5
Johnson (D)	4,169,705	1,290,597	53
<b>1968</b>			
Nixon (R)	3,467,664	223,346	38
Humphrey (D)	3,244,318		20
<b>1972</b>			
Nixon (R)	4,602,096	1,126,246	52
McGovern (D)	3,475,847		6
<b>1976</b>			
Ford (R)	3,882,244	139,960	31
Carter (D)	3,742,284		27

geoning county south of Los Angeles has given Democratic presidential candidates only 35 per cent of its vote. San Diego County, south of Orange and the state's 3rd largest county, is the 6th best GOP county supporting the Democratic candidates with only a 40.48 per cent average.

On the other hand, two of the other big six — San Francisco (6th) and Alameda (4th) in the northern part of the state — are the 2nd and 5th best Democratic counties. San Francisco has given Democratic candidates over 58 per cent of its vote while next door Alameda (Oakland) County's Democratic percentage is 56.41 per cent. Below Alameda County is Santa Clara County, the 5th largest. Santa Clara has supported Democratic presidential candidates just under 50 per cent of the time and is the 24th best Democratic county in California.

Los Angeles County is the state's monster county. Its overall Democratic percentage is only 48.78 per cent, and it was carried by only half of the Democratic candidates in the last six presidential elections (Kennedy, Johnson and Carter). Johnson did not need his heavy L.A. County plurality (57.5%) in his landslide win, but JFK needed more than 50.4 per cent, and Carter's 51 per cent was not enough to offset Ford's strength elsewhere in the state. Both Kennedy and Carter lost California.

Carter's 1976 defeat in California illustrates well how suburbanization and collar county growth is working against the Democrats. Carter carried 27 counties — the second best Democratic performance since 1956. He lost

the vote in the other 52 counties to Ford by only 20,603. It was in the big six that Carter lost California. Carter carried Los Angeles, Alameda and San Francisco counties with a combined vote margin of 157,842. Ford carried Orange, San Diego and Santa Clara counties with a combined vote margin of 277,199. In other words, Ford outpolled Carter in the big six by 119,357 votes, which made up the bulk of his total state plurality of 139,960.

The future looks ominous for Democrats in California. Orange and San Diego counties, Republican bailiwicks, are growing at a rapid clip and should continue to produce heavy GOP vote margins. Democratic strength will remain solid in liberal San Francisco County, in heavily minority Alameda County and in the black and chicano districts of Los Angeles County. But these areas, plus the smaller north central Democratic counties, cannot produce enough votes to defeat typical Republican candidates. Democrats must cut into suburban L.A. and the large southern California counties in

**Table 4  
California "big six" counties**

County	Population	Percentage of state
1. Los Angeles	7,032,075	35.2%
2. Orange	1,420,386	7.1
3. San Diego	1,357,854	6.8
4. Alameda	1,073,184	5.4
5. Santa Clara	1,064,714	5.3
6. San Francisco	715,674	3.6
Total	12,663,887	63.4%

order to carry the state.

A key to the future of California and perhaps national politics will be the outcome of Gov. Jerry Brown's reelection bid this November. A Brown victory can come about only if he slices into traditional Republican county territory. If he does, he could become a formidable challenger to Carter in the 1980 Democratic primaries.

## Massachusetts

Massachusetts is the most Democratic state in the union when it comes to recent presidential politics. In 1972 it was the only state to vote for McGovern, and in 1976 it gave Jimmy Carter over 58 per cent of the major party vote.

Unlike the four other states in this study, an overwhelming majority of Massachusetts counties (65.47%) have supported Democratic presidential candidates. This general Democratic dominance can best be illustrated by examining the suburban growth around Boston. Suffolk County, which basically is Boston, has had its population drop from 896,615 in 1950 to 735,190 in 1970. However, unlike the other four states no Republican collar is surrounding the big city county in Massachusetts. In fact, Norfolk County, south of Suffolk, has had a 65 per cent increase in population since 1950 and has turned from a Republican to a Democratic county. Like the rest of the state, Norfolk in the last six elections has supported every Democrat except Stevenson in 1956.

Why is Massachusetts so different from the other four states? First, Massachusetts is the most urbanized state in the study. Its big six counties account for almost 80 per cent of the state's population. In Massachusetts Democrats do well in these populated counties, while what little Republican strength there is in the state is found in the Cape Cod and island counties and in Franklin County in the northwestern part of the state. Four of the top five Democratic counties are among the biggest in the state. Suffolk County's average Democratic vote for president since 1956 is over 70 per cent. Middlesex County, the state's biggest, has almost a 60 per cent Democratic average for the same elections. Moreover, nine of the state's 14 counties, with a combined population of 5,190,099 have supported Democratic presidential candidates

**Table 5 Michigan**

	Total Vote	Plurality	Counties Carried
<b>1956</b>			
Eisenhower (R)	1,713,647	353,749	80
Stevenson (D)	1,359,898		3
<b>1960</b>			
Nixon (R)	1,620,428		70
Kennedy (D)	1,687,269	66,841	13
<b>1964</b>			
Goldwater (R)	1,060,152		3
Johnson (D)	2,136,615	1,076,463	80
<b>1968</b>			
Nixon (R)	1,370,665		65
Humphrey (D)	1,593,082	227,417	18
<b>1972</b>			
Nixon (R)	1,961,721	502,286	79
McGovern (D)	1,459,435		4
<b>1976</b>			
Ford (R)	1,893,742	197,028	68
Carter (D)	1,696,714		15

since 1956 with averages ranging from 70.1 per cent for Suffolk to 54.26 per cent for Norfolk. On the other hand, the state's remaining five counties with a combined population of 499,071 have supported Republican presidential candidates since 1956 with averages ranging from 61.19 per cent for Barnstable to 50.19 per cent for Plymouth.

Obviously there are other factors that have made Massachusetts a Democratic fortress. One can point to the state's large number of influential universities, a heavy concentration of Catholics, a lackluster Republican organization and the identification of so many with the Kennedy name. According to J. Joseph Huthmacher, noted historian of Massachusetts politics, Democrat Al Smith's 1928 win over Republican Herbert Hoover by 17,192 votes brought a "revolution" to the state's politics because it joined the old Irish Democratic power structure with the newer immigrants (Jews, Poles, French-Canadians, to a lesser degree Italians, and finally Negroes). Huthmacher states, "The union of those two elements constituted the backbone of the new Democratic coalition which, with the aid of its labor, liberal and disaffected old-stock Republican components, was on the verge of reshaping the Commonwealth's politics." [*Massachusetts People and Politics* (New York: Atheneum, 1969) p. 189.]

## Michigan

Michigan is a political battleground (see table 5). Since 1956 it has divided its support evenly for Democratic and Republican presidential candidates. However, suburbanization and recent voting trends suggest that Michigan, like California, will become more Republican in future presidential contests.

Wayne County (Detroit) is the big county in Michigan. The 1970 census showed that it contained 30 per cent of the state's population. Wayne County has traditionally been the backbone of the state's Democratic vote. In 1960 Kennedy carried only 13 of the state's 83 counties, but his vote margin in Wayne County was 378,842 (66.2%). This county landslide gave JFK enough votes to overcome Nixon's margin in the rest of Michigan.

Wayne County's population grew from 2,435,235 in 1950 to 2,666,751 in

**Table 6  
Michigan "big six" counties**

County	Population	Percentage of states
1. Wayne	2,666,751	30.04%
2. Oakland	907,871	10.23
3. Macomb	625,309	7.05
4. Genesee	444,341	5.00
5. Kent	411,044	4.63
6. Ingham	261,039	2.94
Total	5,316,355	59.89%

1970, an increase of less than 10 per cent. At the same time Detroit, which makes up the bulk of Wayne County, has had its population drop from 1,850,000 in 1950 to 1,511,000 in 1970, a decrease of a little less than 20 per cent. In other words, Detroit in 1950 made up 75.96 per cent of Wayne County, but by 1970 the city's percentage of the county total was 56.66 per cent. Moreover, inside Detroit, rapid racial changes occurred during this period. From 1950 to 1970 the black percentage of Detroit's population rose from 16.2 to 43.7 per cent. There is little doubt that this trend will continue. The 1980 census will undoubtedly show that Detroit has less of the county's total population; inside the city, black percentage of population will have grown.

Like big city counties in California, Illinois and New York, Michigan's Wayne County is feeling the power of surrounding collar counties. Oakland County, Michigan's 2nd biggest, borders on Wayne County to the northwest. It had 396,001 residents in

**Detroit is losing its potential to produce winning statewide vote margins.**

**Wayne County is becoming suburbanized, and this is reducing the giant county's Democratic margins**

1950. By 1970 its population had risen to 907,871, a 130 per cent increase. Oakland County's population in 1980 should be well over one million. Oakland is a wealthy county. Its residents are predominantly white and many are college educated. A 1974 study showed Oakland County had the nation's



highest average household income. Obviously, many economically mobile whites fleeing Detroit have ended up in Oakland County.

These population shifts have dramatically altered vote margins between the state's two biggest counties and thus have changed the complexion of presidential politics in Michigan. In 1960 Kennedy had a plus of 352,347 votes coming out of Wayne and Oakland counties; in 1976 Carter had a plus of only 120,174. Clearly Ford, a native son, was a stronger candidate in Michigan than Nixon was in 1960. Ford received 273,314 more votes than Nixon while Carter received only 9,445 more votes than Kennedy. Nevertheless, the 231,516 drop-off in vote margins shows how the combination of a fast growing Oakland County and a reduced Detroit population has cut into the Democratic strength of Wayne County.

Sixteen of Michigan's 83 counties have voting averages over 50 per cent for Democratic presidential candidates since 1956. Unfortunately for Michigan Democrats, 10 of these counties are in the state's sparsely populated Upper Peninsula. These 10 counties, making up two-thirds of the UP counties, have a population of only 213,045. Besides Wayne County, Lower Peninsula Democratic counties include Macomb, Monroe, Genesee, Lake and Bay. The population of these six counties brings the 16-county total to 4,190,925 or a sizable 47.22 per cent of the total state population. Thus, despite the fact since 1956 (except for the 1964 election) no Democratic presidential candidate has carried more than 18 counties, the Democrats have remained competitive in Michigan presidential politics.

The big county vote (see table 6) has been good to the Democrats in Michigan. Wayne County residents have given the last six Democratic presidential candidates an average of 63.15 per cent of their vote. Macomb and Genesee (Flint), the 3rd and 4th biggest Michigan counties, have also been Democratic areas. Macomb County is next to Oakland, just north of Wayne, and is the fastest growing county in the Detroit area. Macomb did not support either McGovern or Carter. The fact that Macomb was one of the three Michigan counties to support Stevenson in 1956 and every Democrat until McGovern may show growing suburban Republican voting power.

The GOP strength among Michigan's big six is in Oakland County, Kent (Grand Rapids) and Ingham (Lansing) counties. Although these three have been politically no match for the Democrats, Michigan Republicans have made up the difference in their strength in other counties. Sixty-seven of Michigan's 83 counties have voting averages over 50 per cent for Republican presidential candidates since 1956. More importantly, 36 of these counties or 43 per cent have given GOP candidates over 60 per cent of their vote. The strong GOP dominance in these counties points up the reliance of the Democrats on Wayne County and the big six.

The Carter-Ford race is a perfect example of the big six theory. Ford nearly broke even in Michigan's six largest counties. He received a huge vote from his home, Kent County, which — combined with a solid effort in Oakland and Carter's drop-off in Wayne — meant that Ford lost the big six by only 31,170 votes. The rest of Michigan went Republican as usual (even though Carter carried two more counties than Kennedy did in 1960) thus giving Ford a comfortable 200,000-vote plurality.

In the past, Democratic presidential candidates in Michigan have relied on a large Detroit turnout, the strong backing of organized labor in this heavily unionized state, and whatever they could pick up in their small Upper Peninsula counties. This strategy, which has given the Democrats an even split in presidential contests since 1956, will no longer work. Detroit is losing its potential to produce winning statewide

*Table 8*  
New York's "big six" counties

County	Population	Percentage of state
1. Kings (Brooklyn)	2,601,852	14.30%
2. Queens	1,973,708	10.85
3. New York (Manhattan)	1,524,541	8.38
4. Bronx	1,472,216	8.09
5. Nassau	1,422,905	7.82
6. Suffolk	1,116,672	6.13
Total	10,111,894	55.57%

vote margins. Wayne County is becoming suburbanized, and this is reducing the giant county's Democratic margins. White union members are leaving the cities, especially Detroit, and are moving to collar counties and becoming more independent. Union leadership in Michigan as in other states can no longer guarantee delivery of its membership.

Democratic presidential candidates in Michigan must break into the white suburbs and collar counties surrounding Detroit. Like Chicago, Detroit's population is percentage-wise blacker and poorer than the rest of the state and is becoming more so each day. Successful Democratic candidates in Michigan will not allow themselves to be isolated with the big city image, but will diversify their appeal to attract the more economically and socially mobile suburban working people.

## New York

New York presidential elections are classic examples of "big county vs. the rest of the state" politics. Since 1956 Democrats have won two-thirds of the races because the big counties making up most of New York City have given their candidates large enough vote margins to counter Republican votes in the rest of the state.

GOP strength in western and upstate New York is undeniable. Leaving out the 1964 Johnson landslide, Democratic presidential candidates have won only 32 of 310 (10.32%) New York counties in the other five elections. Yet in three of these five races the Democratic candidates received enough big county votes to carry the state (see table 7).

Kings (Brooklyn), New York (Manhattan) and Bronx counties are the 1st, 3rd and 4th biggest counties in New York state (see table 8). Their combined

*Table 7 New York*

	Total Vote	Plurality	Counties Carried
<b>1956</b>			
Eisenhower (R)	4,345,506	1,597,562	59
Stevenson (D)	2,747,944		3
<b>1960</b>			
Nixon (R)	3,446,419		51
Kennedy (D)	3,830,085	383,666	11
<b>1964</b>			
Goldwater (R)	2,243,559		0
Johnson (D)	4,913,102	2,669,543	62
<b>1968</b>			
Nixon (R)	3,007,932		54
Humphrey (D)	3,378,470	370,538	8
<b>1972</b>			
Nixon (R)	4,192,778	1,241,694	59
McGovern (D)	2,951,084		3
<b>1976</b>			
Ford (R)	3,100,791		55
Carter (D)	3,389,558	288,767	7

population is 30.77 per cent of the state's total. In the last six presidential elections the average Democratic vote in these three counties was an astounding 65.56 per cent. All three have supported every Democratic presidential candidate since 1956 with Nixon's 49.1 per cent in Kings in 1972 being the best Republican showing. Three other counties have given Democratic presidential candidates an average of over 50 per cent of their votes. Albany, Queens and Erie (Buffalo) counties are the other Democratic strongholds in New York state. Again, these are big population counties — Albany (12th), Queens (2nd) and Erie (7th) — and when their residents are added to the top three Democratic counties, their aggregate population is 8,971,426 or 49.31 per cent of the state's total.

The Republican response to these big Democratic counties is limited to county landslides in the rest of the state. Nearly one-half (30) of New York's counties have given Republican presidential candidates an average of over 60 per cent. The total population of these 30 counties, however, is only 3,200,810 or 17.60 per cent of the state's total.

Nassau and Suffolk counties on Long Island are the only big six Republican counties in New York state. Like suburban counties in other big county states, they have undergone tremendous population growth. From 1950 to 1970 Nassau's population grew from 672,000 to over 1,420,000, while Suffolk's increased from 276,000 to over 1,116,672. Yet these two massive suburban counties did not produce overwhelming Republican margins, and

their combined GOP vote margins were less than half of the Democrats big county pluralities.

What has prevented Nassau, Suffolk and other booming counties around New York City from turning the state's politics more Republican? Part of the answer is the heavily *ethnic* migration to the Big Apple's suburbs. Many new suburbanites are Catholics and Jews who have stayed Democratic or joined the growing independent ranks. Other factors may be the state's liberal tradition, strong organized labor activity, a divided Republican party and the types of individuals running for high office.

But New York has two additional and unique factors retarding Republican power within the state. First, many former New York City residents are moving to New Jersey or Connecticut. These individuals are mainly white, lower-middle to middle-class who are fleeing racially changing neighborhoods searching for security, educational opportunities for their children, and general upward mobility. Unable to afford Nassau, Suffolk or Westchester counties in New York, they move instead to places like Bergen County, N.J. Potential Republican converts or existing Republican voters are lost to a different state's GOP organization. This migration pattern may partially explain Carter's triumph in New York and Ford's win in New Jersey in the 1976 election.

The other somewhat unique factor is the growth of Queens. This New York City county has acted as an urban safety valve — keeping potential Gotham escapees in the city. From 1950 to 1970 Queens population rose 21 per cent, from 1,550,849 to 1,973,708. The growth of Queens has cut the total population loss of New York City (not counting Richmond) to 128,085 since 1950. Though not as Democratic as New York, Bronx or Kings counties, Queens has supported every Democratic presidential candidate since 1956 except Stevenson and McGovern. It has kept many white middle-class residents involved with the problems of New York City and thus, has undoubtedly preserved Democratic voting strength within the state.

Carter beat Ford in New York because four of the state's big six counties gave him a 725,845-vote margin. Ford's victories in the remaining big six

## In New York, Democratic woes about voter turnout and population losses from their good areas may be offset by dwindling GOP margins in suburbia

counties, Nassau and Suffolk, cut this margin to 658,893 votes. The other 56 counties gave Ford a 370,126-vote margin which was not nearly enough to offset Carter's big six plurality. Thus, the Georgian carried the state by 288,767 votes (52.2%). New York's 40 electoral votes insured Carter's victory.

Kings, New York and Bronx counties all gave Carter more than two-thirds of their vote. In Queens, Carter's 60.6 per cent was almost six points higher than JFK's in 1960. Across the state Carter carried only three other counties: Albany, Erie and Sullivan. Carter's seven-county victory total was one less than Hubert Humphrey's in 1968 and four less than Kennedy's in 1960. The narrowing of the Democratic vote margins to fewer and fewer counties will make the party more and more a prisoner of New York City in presidential elections.

Democratic presidential candidates in New York must break out of their NYC stronghold. In 1976 even though Carter carried only seven counties, his percentages were higher than JFK's in 45 of New York's 62 counties. Carter was also able to outpoll JFK percentage-wise in Bronx, Kings and New York counties. With all of this going for him the obvious question is: why did Carter's final vote margin fall almost 100,000 under Kennedy's 1960 totals?

The answer is declining voter turnout and recent population shifts in the top three Democratic counties. Kennedy received 455,696 more votes than Carter in Bronx, Kings and New York counties. Even with Carter's increased percentage in each county, Kennedy's combined vote margin from these three counties was 133,807 higher than Carter's total. In 1976 overall, 6,534,170 New Yorkers voted compared to 7,291,079 in 1960 — a 756,979 decrease. Nevertheless, the vote drop-off in the top three Democratic counties alone

Table 9 Illinois

	Total Vote	Plurality	Counties Carried
1956			
Eisenhower (R)	2,623,327	847,645	97
Stevenson (D)	1,775,682		5
1960			
Nixon (R)	2,368,988		93
Kennedy (D)	2,377,846	8,858	9
1964			
Goldwater (R)	1,905,946		23
Johnson (D)	2,796,833	890,887	79
1968			
Nixon (R)	2,174,774	134,960	90
Humphrey (D)	2,039,814		12
1972			
Nixon (R)	2,788,179	874,707	101
McGovern (D)	1,913,472		1
1976			
Ford (R)	2,364,269	92,974	67
Carter (D)	2,271,295		35



was 775,283. Thus, it was fortunate for Carter that he held his "little 56" county losses to only 370,126 votes.

Poor people are less likely to vote than their wealthier counterparts. Population percentages between counties will become far less important if places like the Bronx become more black, brown and broke. Burnt-out neighborhoods are not fertile grounds to produce vote margins. The 1980 census will reveal how sharp a population loss has occurred in NYC. Before worrying about turnout, politicians must have voters to bring to the polls. Democratic hopes may ride on the raw numbers of people remaining in NYC.

Republican fortunes in New York are not necessarily on the upswing. Democratic woes about voter turnout and population losses from their good areas may be offset by dwindling GOP margins in suburbia. In 1960 Suffolk County gave Nixon a 52,611-vote margin over Kennedy. In 1976, despite a 62 per cent increase in voter turnout, it gave Ford only a 40,645-margin over Carter. New York Republicans can hardly compare Suffolk County to Orange County, Calif., or Oakland County, Mich. Finally, the liberal-conservative split inside the New York GOP hierarchy may keep the country's second largest state in the Democratic column.

## Illinois

Demographic shifts within the state have produced a balance of power between Democratic Chicago and the Republican Cook County suburbs and the five collar counties around Cook (see table 9). To win Illinois, candidates must pull the winning margin from the other 96 counties.

The 1970 census shows Cook County has almost 50 per cent of the state's population (see table 10). This figure is slightly less than the county's 1960 state percentage. The significant change, however, is that Chicago's portion of the Cook County population in 1970 dropped to 3,369,000 — more than a 5 per cent decrease. The 1980 census may show Chicago hovering around the three million mark. While the big city was losing population, its suburbs in the county were gaining people at a rapid rate. Although Cook County still dominates the state in population, the Democrats no longer can dominate

Cook County in presidential elections.

Four of Illinois' big six counties — Cook and three of its collar counties, DuPage, Lake and Kane — are in the northeastern part of the state. DuPage, Lake and Kane are powerful GOP counties, and since 1956 DuPage has been the second best GOP county in the state percentage-wise (Kendall County is No. 1). The two other big six counties, St. Clair and Madison, are Democratic strongholds. Located in the southwestern part of the state near St. Louis, Mo., they are not growing at a rapid rate.

Twelve of Illinois' 102 counties have given Democratic presidential candidates an average of over 50 per cent of their vote in the last six presidential contests. Of these only Cook (52.37%) and Rock Island (51.66%) counties are in the northern part of the state. The best Democratic counties by percentage are downstate; St. Clair County (58.15%) in southwestern Illinois is the top Democratic county. Leaving out Cook, the population of the other 11 Democratic counties is 1,037,200 or 9.3 per cent of the state's total. On the other hand, 36

margin almost 60 per cent by giving Ford a 122,337-vote margin.

Like their counterparts in New York City, Detroit and Los Angeles, Democratic voters in Chicago are surrounded by growing Republican suburban counties. This encirclement has cut down big city Democratic vote margins, and in the case of California and Illinois has made it difficult for Democratic presidential candidates to carry the state.

The collar counties ringing Chicago — DuPage, Lake, Kane, Will and McHenry — are undergoing tremendous population growth. They grew from 1,091,188 in 1960 to 1,486,578 by 1970. The 1980 census figures will show almost two million people. Unless Democrats can change traditional voting patterns in these counties, they will find it almost impossible for their presidential candidates to carry Illinois. In 1964 LBJ carried Lake and Will counties, and those two victories represent the total Democratic presidential triumphs in the collar counties since 1956. In 1976 the five collar counties gave Ford a 193,623-vote margin over Carter. This figure was 307 votes more than Carter's Cook County total. In other words, Ford and Carter had to win in the other 96 counties to carry the state.

Kennedy and Johnson have been the only Democratic presidential candidates to carry Illinois since 1956. Johnson's landslide in Illinois was similar to his crushing victories in other states, but Kennedy's 1960 victory is a very perfect example of how presidential politics has changed in the last two decades in Illinois.

Kennedy won Illinois because Chicago Mayor Richard J. Daley's Democratic organization gave him a 456,312 (63.6%) vote margin in Chicago. The strong GOP Cook County suburbs reduced this total by 137,576, thereby giving Kennedy a 318,736 (56.5%) plurality coming out the state's biggest county.

In 1976 Carter did better than Kennedy in Chicago by percentage; Carter received 67.7 per cent of the city vote, but Carter's 425,426-vote margin was 30,886 less than Kennedy's. Moreover, the Cook County suburbs cut Carter's total plurality by 232,110, thus giving him only a 193,316 (54.5%) margin in Cook. Carter ran ahead of Kennedy in the rest of the state, but his reduced Cook County plurality was too big an

**Table 10**  
**Illinois "big six" counties**

County	Population	Percentage of state
1. Cook	5,492,369	49.42%
2. DuPage	491,882	4.43
3. Lake	382,638	3.44
4. St. Clair	285,176	2.57
5. Kane	251,005	2.26
6. Madison	250,934	2.26
Total	3,154,004	64.38%

Illinois counties with a population of 2,147,598, or 19.3 per cent of the state's total, have voted for Democratic presidential candidates less than 40 per cent since 1956. It was in these counties that Nixon in 1968 and Ford in 1976 found enough votes to overcome their opponents' Cook County margins and put Illinois in the Republican column.

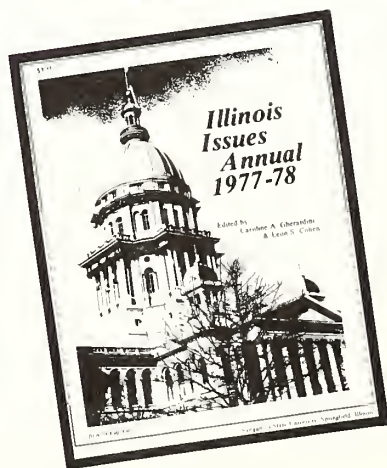
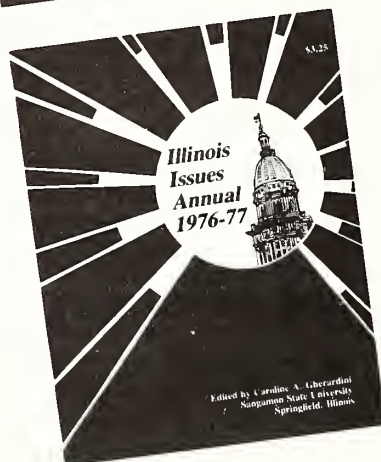
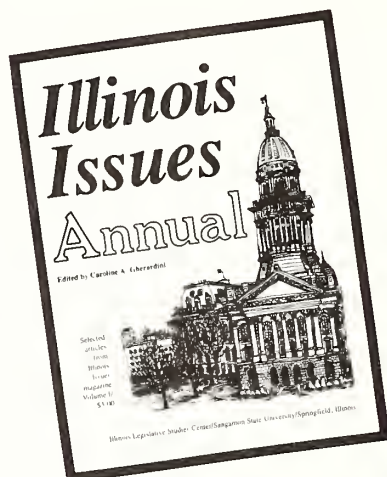
Three Illinois counties have given Democratic presidential candidates less than a 30 per cent average vote since 1956. They are DuPage County, Ogle and Kendall counties, located in the heavily GOP area west of Cook and the collar counties. LBJ's 40.1 per cent DuPage County vote in 1964 is the best Democratic showing in any of the three since 1956. In 1976 these three counties alone slashed Carter's Cook County

obstacle to overcome. Kennedy left the Cook and collar county areas 202,360 votes ahead, but Carter was 307 votes behind. Kennedy lost the other 96 counties by 193,502 votes but won the state by a slim 8,858 votes. Carter lost the other 96 counties by only 92,667 votes, outdoing JFK by over 100,000 votes. But because of reduced Democratic vote margins in Cook and increased GOP vote margins in the collar counties, Carter lost Illinois by 92,974 votes.

Democrats in Illinois have to move their campaigns out of the protective enclave of Chicago. Democratic presidential candidates have to campaign in the suburbs and — especially — downstate. Not only is this where they will find the people, but they may in fact come across many voters who have been taken for granted by unchallenged Republican organizations. It is a Democratic presidential candidate's challenge to appease Chicago while at the same time appealing to anti-big city voters in the rest of the state. Carter came fairly close to solving this dilemma in 1976, but Sen. Edward Kennedy (Mass.) is probably the only Democrat who could pull it off and carry Illinois in 1980.

Since 1872 Illinois has supported the eventual presidential winner more times than the other four states (24 out of 27 or 89 per cent). Ford's Illinois victory in 1976 broke the state's string of backing the victor 14 straight times going back to Harding's 1920 election. Michigan's record (19 out of 27) in backing the winning candidate is not as good, but its 70 per cent average shows the remarkable consistency of these industrial states in supporting the successful candidate (or, perhaps, it shows that winning these states is the key to being successful).

Are Illinois, Michigan and perhaps other northern industrial states becoming Republican territory in their presidential politics? Obviously many factors must be considered before any definitive answer can be given. Based on past county election results and current demographic shifts, however, there is no doubt that Democrats must do better in growing GOP enclaves. If these areas remain overwhelmingly Republican, GOP presidential candidates will receive vote margins large enough to muscle the state away from the Democrats — no matter how well the Democrat does in the state's largest city. □



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## Chicago may lose one seat

# Musical chairs in congressional redistricting

EVERY 10 years, after the national census, the Illinois legislature is faced with two variations of a difficult theme: redrawing the boundary lines of the state's legislative and congressional districts.

Redistricting the state legislature in 1981 — despite past problems (see August 1978 *Illinois Issues*) — will be relatively easy, compared to the problems the legislators will face in redrawing congressional district lines.

In state redistricting, the legislature will be able to work with a set number of districts, 59, and must satisfy both political needs and the Supreme Court's one-man, one-vote ruling requiring fairly equal population in each district.

But redistricting of the U.S. House seats will be complicated by the fact that under current population projections, Illinois stands to lose one U.S. House seat, dropping the state's representation on Capitol Hill from 24 to 23 seats. That fact in turn will introduce a whole host of other factors into the redistricting battle.

According to present Census Bureau projections, the population of the United States in 1980 will be 221,651,000. The bureau adds that its projections show Illinois will have 11,376,000 people at present rates of growth. But figures projected by the Illinois Bureau of the Budget show that the state will have 11,349,074 people in 1980, an increase of 235,102. That is not enough to sustain the present Illinois representation of 24 members in the House. Though Illinois' population has increased, that of other states, notably Florida and Texas, has grown faster. (For example, Georgia will have gained 500,000 people — but no seats — by 1980.) The Illinois 24th Congressional District which should go from Chicago to its suburban belt where population has increased dramatically will go to a

Sunbelt state instead.

Seats are apportioned in the U.S. House on the basis of a complex formula called the "Method of Equal Proportions." Under a 1929 law, the president transmits to the clerk of the U.S. House a listing of the number of seats each state is entitled to following every census. The clerk then sends a certificate with each state's number of seats to the governor of that state. The state's governor and legislators must then under their normal legislative process reapportion the congressional dis-

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Federal law mandates that the districts be equal and contiguous . . . but says nothing about political tradeoffs, gerrymandering, deals . . . or natural or historic boundaries

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tricts on a one-man, one-vote basis according to the U.S. Supreme Court decision. And the court has been very strict about variations within states from the ideal district population. In Illinois, that ideal population in 1980 is estimated to be 493,438 people for each of the 23 districts.

### Reapportionment process

The reapportionment method is not simply a matter of taking the total U.S. population (221 million people) and dividing that by the 435 seats in the U.S. House. To satisfy the constitutional requirement that each state must have one representative, the first 50 seats are automatically allotted — one per state. The next 385 seats are then given

priority values, according to the following formula, district by district and state by state:

Each of the extra 385 districts receives a "priority number" in the Census Bureau calculations. That number is taken by multiplying the state's population by the formula  $1 - n(n-1)$  where "n" is each extra district by state. In other words, Illinois' 2nd district would have a "priority number" of  $(.707) \times (11,349,074)$ . Then all the priority numbers for all 385 districts and 50 states, are lined up in order of size, and the extra districts are assigned until the limit is reached.

### Political problems

All of these calculations leave the Illinois legislature with a thorny political problem. Federal law mandates that the districts be equal and contiguous. It appears a simple task to take the state's total population and divide it by 23, getting an ideal district population, but that same law says nothing about political tradeoffs, gerrymandering, deals in the legislature or natural or historic boundaries. All of these factors may enter into the legislature's deliberations.

One key factor in drawing the new district lines will be the 24 incumbent members of Congress. Each will fight to keep his/her seat and to keep a district favorable to his/her reelection chances. The process will test the relative political clout of each member and may involve tradeoffs within the legislature. For example, Chicago regular Democrats, who are not ordinarily hospitable to independent Rep. Abner J. Mikva (D., Evanston, 10th District), might agree to partitioning his district in return for the preservation of the underpopulated 1st District, now represented by regular Democrat Bennett Stewart (D., Chi-

cago).

On the other hand, the GOP could exact a price — say, endangering Rep. Frank Annunzio (D., Chicago) by extending his 11th District into the Chicago suburbs — for keeping Stewart around. These and other tradeoffs, involving the legislators, Chicago Mayor Michael A. Bilandic, Cook County Board Chairman George W. Dunne, the U.S. representatives and Gov. James R. Thompson, could keep the 1981 legislative session very busy.

Another question the legislature will have to confront is whether to follow the pattern of state legislative redistricting when it redraws the U.S. House district lines. In its own redistricting, the legislature has carefully preserved a “natural” boundary between Chicago, its suburbs, and the rest of the state. The 1970 U.S. House redistricting also followed the same pattern. But Chicago is estimated to lose more than 430,000 people, the Cook suburbs will have gained around 182,000, and the five collar counties will have gained population at a tremendous rate. The population bulge there combined with shortfalls downstate as counties are moved from district to district to compensate for losses may force the legislature into breaking the “natural” boundaries. The plan outlined here keeps the Chicago “boundary” largely intact. But assigning one district each to DuPage, Lake and Will counties before disposing of their excess population will cause the encroachment of downstate districts into the suburban area.

The possibility of some fantastic legislative wheeling and dealing cannot be dismissed. For instance, Chicago Democrats concerned about state money for the city, could offer to trade their chance in one or two U.S. House districts for a better break in the state legislative reapportionment. Or suburban Republicans, looking for a way to drown city Democrats within their boundaries, could offer public works projects or education aid as an enticement for downstate support. If any remnants of the “Crazy Eight” remain in the Illinois Senate after the 1980 election, their swing votes could throw another deal — as yet unknown — into the works. The possibilities are almost endless.

The legislature will face four basic problems when it redraws the lines for the U.S. House seats. The statewide

problem will be the loss of one seat, causing each district to grow by at least 30,000 people over the 1970 census figures. The other three problems correspond to the three basic regions of the state. For Cook County, the problem is whose district will be carved up. For the five collar counties (DuPage, Lake, Will, McHenry and Kane), the problem will be to dispose of their excess population after one district is assigned to each of the first three counties (see map). And for downstate, the problem is “district creep,” as boundary lines shift northward and eastward to accommodate population shortfalls — causing at least two of the downstate districts to encroach upon the suburban county belt.

## Cook County

The basic problem in Cook County is simple. A 240,000-plus population loss, taken along with the nationwide shift, means that Cook is now entitled to 10 seats in the U.S. House. Presently, Cook elects 11 members of Congress and shares two others with the collar counties.

However, population projections provided by the U.S. Bureau of the Census show that the Cook population loss is not evenly distributed. By 1980 Chicago will have lost over 400,000 people, and the Illinois district to be eliminated should come out of the city. The suburbs in Cook will gain approximately 150,000 people, which is enough to hold their proportion of the U.S. House seats.

Of the 400,000-person loss in Chicago, almost 70,000 of it comes out of one district alone: the heavily black South Side 1st. Census bureau projects show population within that district's boundaries will drop from 462,434 in 1970 to a 1980 mark of 393,069.

With Illinois losing one seat, the “ideal” district population in 1980 will rise to a figure — according to present projections — of 493,438. The 1st District will be more than 100,000 persons short.

There are two ways to solve the problem. Both are relatively easy numerically, but not politically.

The first method is to preserve or strengthen the historic city-suburban differentiation in Cook County (see map). Under this plan, the 1st District would be eliminated, with the bulk of it

going to the 2nd and 7th districts. The white-liberal 5th Ward would be tacked onto the 5th District, effectively drowning its independent voters in a sea of pro-machine votes from Bridgeport and allied areas — while keeping the 5th a majority-white area. Chicago Wards 2 and 4, now both heavily black, would be tacked onto the black-majority 7th District. The North Side districts, which have not lost as many people, would see only minor changes.

The second possible Cook County map would break the city-suburban line, but only in the north. Its predominant feature would be the elimination of the North Shore 10th District, which would be split between the 9th and the 11th. This map also includes “district creep,” with the avowed aim of retaining the 1st District's black majority. At the same time, it would rid the delegation of maverick liberal Abner Mikva (D., Evanston) of the 10th District. Obviously, there are political objections to both plans.

The political problems with the first plan are obvious. By eliminating the 1st District, the legislature would be eliminating one of the two black representatives Illinois now sends to Washington. The GOP in the Illinois legislature may go along, but if Gov. Jim Thompson has his eye on the White House, he won't. An added attraction for the GOP state legislators, however, is the removal of all Chicago portions from the 3rd District along with the addition of Republican and heavily conservative Bloom Township to the 3rd. The result would be a now-Democratic seat turned into a second suburban battleground (along with the 10th).

The second option also has its advantages and disadvantages. In addition to ridding the delegation of Mikva, that plan turns what is now a Democratic seat in the 11th District into a marginal district. The present 11th has shown GOP tendencies in the past. Gov. Thompson has carried it in both his races, President Gerald Ford carried it in 1976 and former Chicago Ald. John J. Hoellen, a Republican, almost defeated then-U.S. Rep. Roman C. Pucinski in 1966. Those tendencies would be reinforced by the addition of Maine and Northfield townships from the 10th District. Both are fast-growing areas which have formed the basis of GOP challenges to Mikva in the past. Mikva has countered with exhaustive precinct



organization; incumbent 11th District Rep. Frank Annunzio (D., Chicago) may not be able to do the same thing. Under this plan, the 3rd District is also marginal.

But outside of these two changes, there are no prospects for the GOP in this plan. Democratic incumbents would be safe in the 1st, 2nd, 5th, 7th, 8th and 9th districts. The 9th would become even more heavily Democratic than it already is, and it would be ready to elect an independent Jewish liberal (Mikva?) when its present Jewish liberal (Yates) retires, since the district would include all the heavily Jewish areas of the county, plus most of its independent voters in the lakefront city wards, along with Evanston and New Trier townships.

An important point to note in both plans is that the GOP should be wary of any major changes in the 5th and 8th districts. It would do them no good to alienate either the mayor of Chicago, Michael Bilandic, who lives in the 5th, or the most powerful Illinoisan in the delegation, Dan Rostenkowski, who represents the 8th.

In both plans the 4th and 6th districts would remain unchanged. Their population is holding up nicely, and both are safe GOP seats; nothing either party could do would make them marginal.

Both plans leave Cook with six Democratic seats, two Republican seats and two marginal seats. Ethnically, the delegation under the first plan would include one (not two) black city Democratic representatives, one city Italian, two Poles from the city and one from the suburbs, one Jewish city representative, and one Irish representative from the city and one from the suburbs. The districts in the suburbs now represented by a Jewish liberal and an Italian would be toss-ups. Under the second plan, both blacks, all three Poles and both Irishmen would be safe, as would the city's Jewish liberal. But the suburban Jewish liberal would be eliminated and both Italians would be in trouble.

## The collar counties

In the collar counties, the problem is how to draw the district lines when you do not have an extra district to work with.

If Illinois had not lost one seat overall, the collar county problem would be relatively simple: one Chicago

district would be transferred to the five collar counties, while the 96 Downstate counties retain stable district lines. But because that district which would have been transferred will instead go to either Florida or Texas, the Illinois legislature will have a problem, and the collar counties' fate becomes tied in with that of the other 96 counties.

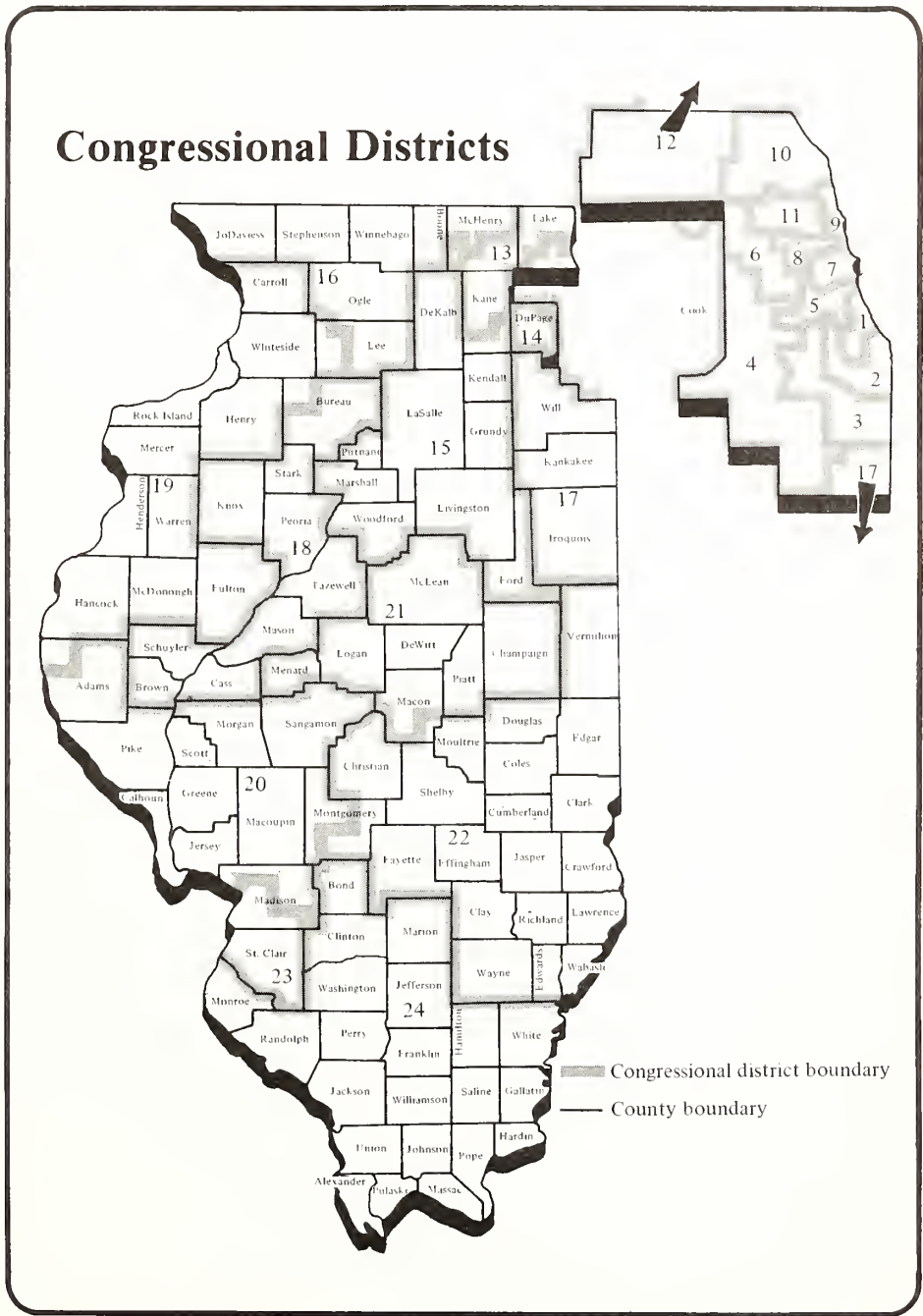
The problem is most acute in DuPage County. According to 1970 figures, the 14th District, which includes all but a few precincts of DuPage, had a population of 464,029. That census also showed DuPage had a total population of 491,882 — only 1,556 less people than

the number needed for an entire district in 1980. By 1980 DuPage will have gained almost 120,000 people, according to population projections.

Where to put the excess is a knotty problem which the legislature will have to solve. One possible solution, based on projected 1980 population figures, is as follows:

District 12, with 19,059 less than the ideal district population in 1980, gives up its part of Lake County to District 13 and splits Kane County with District 13.

District 13, with 42,688 more population than the district ideal, adds one-fifth of McHenry County rather than its



present one-half (29,872 people in that portion) to all of Lake County.

District 14, with 89,586 population (not counting the portions of District 6) more than the ideal, gives up one-sixth of DuPage County to District 12 to replace the 12th's loss of its part of Lake County.

District 15, with 26,056 population below the ideal, divides Kane County in half with the 12th District.

District 16, with a 1980 population of 450,711, or 42,727 below the ideal, takes 80 per cent instead of 50 per cent of McHenry County, leaving the rest of McHenry for the 13th District.

Though these solutions are tentative, they do illustrate the problems the legislature will have. Strictly speaking, the 15th and 16th districts have no place in a discussion of the five collar counties. But because these two districts must lose people to other Downstate districts which need to make up population shortfalls, the net result is that they wind up encroaching upon the collar county area. Though the solidly Republican political complexion of the two districts is not likely to change, the type of Republican sent to Washington — especially from the 16th — may do so.

The other changes are relatively easily explained — though not as easy to work out. Lake County is close to qualifying for an entire district based on its population. To simplify things, it could be given a district which it would dominate while the McHenry County portion would only satisfy population requirements.

The 14th District would include only 84 per cent of DuPage County — which is all it needs. The excess DuPage population, combined with the westerly Cook townships now in the 12th District, would make up a new 12th District. Philip Crane (R., Mount Prospect) or his successors, should have no trouble there, and any Democratic votes produced in Elgin (which this year produced its mayor as the challenger to 13th District Rep. Robert McClory) will be drowned. Also added to the 12th would be that portion of Kane County not needed for the 15th District's population requirement.

In the 17th District, Will County would find itself in the dominant position. Though it will still be around 100,000 people short of qualifying for a full district, its growth should enable it to shed Bloom Township. Downstate

shortfalls will rob the 17th of half of Iroquois County, effectively turning the 17th into the Will County district. Incumbent Rep. George M. O'Brien (R., Joliet) wouldn't mind, since he has represented the area for years in both the state and national legislatures. But 3rd District Rep. Marty Russo (D., South Holland) would not particularly appreciate the addition of heavily Republican Bloom to a district which former Illinois House Speaker W. Robert Blair (R., Park Forest) had originally carved out for himself.

## Downstate

"District creep" will be the dominant feature of the new lines which could be drawn outside the Chicago area (see map). Though every district outside Chicago and the collar counties gained population, only one gained enough to

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In the collar counties, where to put the excess is a knotty problem, while 'district creep' will be the dominant feature of new lines which could be drawn outside the Chicago area

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match the "ideal" population of 493,438. This district is the 15th which is "blocking the road" for several districts which have projected shortfalls in population. As a result of subtractions from the 15th to equalize those shortfall districts, the 15th would have to move more strongly into Kane County than at present.

The district with the least change is the Downstate 24th. The counties it encompasses will have grown by 23,798 people, according to population projections for 1980. This would mean only a 4,623-person shortfall, and the district would need to take only 60 per cent of tiny Edwards County from the 22nd to make up the difference. The change would have absolutely no effect on the prospects of Rep. Paul Simon (D., Carbondale).

On the other hand, a shortfall of over 29,000 people in District 23 could set off a "domino effect" pushing the boundaries of districts 19 and 20 northward,

those of districts 16 and 21 eastward, those of 15 into Kane County and significantly altering the boundaries of District 18.

The 23rd District has experienced the slowest growth of any Downstate district, adding a net of only 960 people by 1980 to its 1970 population of 462,920, according to population projections. The 23rd could not expand southwards or eastwards without causing substantial problems in both the 24th and 22nd districts. To balance the 23rd's population will take fully four-fifths of Madison County's population, rather than one-half. But taking 29,558 people from the Madison portion of District 20 would cause the shortfall there to rise from a modest 8,125 to a much higher 37,000-plus — and that shortfall would set off a game of musical chairs among counties along the Illinois River.

With other population gains and losses in District 20 thrown in, major additions would be needed. Rep. Paul Findley's west central district would have to make up its shortfall by grabbing, under this tentative plan, the rest of Adams County from the 19th District, and three Illinois River counties (Brown, Cass and Schuyler) and part of another (Mason) from the 18th plus another river county (Menard) from the 21st. The changes, all in a northward direction, would expand this old amalgamation of one Democratic and one Republican district — an uneasy marriage consummated after the 1960 census — into more securely Republican territory north of the river. If Findley ever retires, the seat should stay in GOP hands; under the old lines, it would be marginal.

In the east central area of the state, the present 21st and 22nd districts are both projected to fall more than 10,000 persons short of the 1980 ideal district population. If the 20th District took Menard County from the 21st District, the shortfall in the 21st would rise from 15,500 to 27,700. Since further chopping away at Bob Michel's 18th District seat is unthinkable for a GOP governor, the 21st would have to move northeast to equalize its population, taking Ford County (14,318 projected population) and one-third of Livingston County (13,417) from the 15th District. The result of that loss for the 15th, would be to push it more deeply into Kane County in the Chicago suburbs.

On the eastern side of the state, Rep.



Dan Crane's (R., Danville) 22nd District will have a 11,703-person loss by 1980 and would be minus 4,623 more people if part of Edwards County goes to the 24th. Since the Will County dominated 17th District in the Chicago suburbs will have more than enough population and the 22nd just south of it too little, the best solution may be to split sparsely populated Iroquois County between them.

Tom Railsback's (R., Moline) 19th District will have a population shortfall of 18,131 within its present boundaries by 1980, according to population projections. Taking a corner of Adams County from the 19th to add to Findley's 20th District would increase the shortfall to 29,599. The easy solution is to add a corner (3 per cent and 2,202

Following the 1970 census, the two houses of the legislature disagreed, and the issue wound up in the courts . . . the courts may again have to disentangle the legislative knot

people) of Knox County from the 18th and the rest of Lee County (27,397) from the 16th to the 19th District. It shouldn't affect Railsback politically.

The representatives which such additions would affect are John Anderson (R., Rockford) in the 16th District and Robert Michel (R., Peoria) in the 18th District. Under this tentative plan, Michel would lose a corner of Knox County to the 19th, three river counties (Schuyler, Brown and Cass) and part of another (Mason) to the 20th. These losses would increase the shortfall for his district from 9,216 to 43,469. For his district, as for the 21st, there would be only one way to go: northeast into the 15th. Taking Marshall and Woodford counties would add 44,017 people, according to the population projections, and would further push the 15th into Kane County.

As for Anderson, his 16th District would remain solidly Republican, but the nature of the GOP electorate might be changed. With the addition of most of what would be left of McHenry County, which is both fast-growing and conservative, the base for future challenges to Anderson's moderate Republicanism would be expanded. Losing Lee County to the 19th would be a loss to Anderson of his home turf, but a gain of McHenry could very well be a mecca for the Rev. Donald Lyons, Anderson's challenger in the last primary.

## Conclusion

There are several tentative conclusions which can be reached about the 1981 redistricting. The most obvious one is that the delegation may become preponderantly Republican. With the Republican stronghold in the Chicago suburbs gaining people at a rapid rate, the suburban representatives will become even safer for the GOP than at present. Encroachment of the 15th and

16th districts into the suburbs will also strengthen the GOP character of those two districts — and, given the more conservative Republicanism of the Chicago suburbs versus the rest of Illinois, may endanger moderate Republican John Anderson's hold on his 16th District.

"District creep" downstate will also solidify GOP strength. The 20th District, which now straddles a Republican north-Democratic south dividing line in the middle of the state, will move northward, making the district a safe seat for any GOP representative, not just moderate Paul Findley. Moving the boundary of the 22nd District northward into Republican Iroquois County may also turn a now marginal district into a safe GOP seat. And changes in the district lines in Kane County, caused by a northward shift of the 15th District, may eliminate any strong base for a Democratic challenge to present 13th District Rep. Bob McClory or his successor.

In Chicago and Cook County, the redistricting is sure to eliminate one seat now held by a Democrat and endanger one or two others. The seat that goes will either be — under the tentative plans — the safe 1st District or the marginal 10th District. In both plans, the addition of heavily Republican Bloom Township to the 3rd District will endanger the chances of Rep. Martin Russo. And one of the plans may very well imperil 11th District Rep. Frank Annunzio throwing him into an unfamiliar, suburbanized, Republican-leaning district. The Illinois House delegation, which was 13-11 Democratic as recently as 1975, and is now 13-11 Republican, could be 14-9 Republican in 1983 after the redistricting.

There is one other conclusion that could be drawn: "the past is prologue." Following the Supreme Court's one-man, one-vote decision in 1964, the legislature could not redraw the lines, and a special commission was mandated to do so. Following the 1970 census, the two houses of the legislature disagreed, and the issue wound up in the courts. With both a state redistricting and a complex U.S. House seat redistricting battle occurring simultaneously, and with a legislature split between the parties and a GOP governor, the prospect is likely that the courts may have to disentangle the redistricting knot again. □

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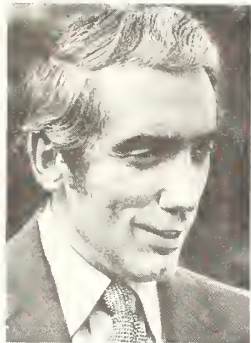
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NO NO NO NO NO NO  
NO NO NO NO NO NO

# The ERA

This is the first time in American history that an economic boycott has been undertaken against states to try to force them to ratify a proposed constitutional amendment. The framers of the Constitution deliberately made the amendment process tedious and difficult. They felt that amending the

A Democrat representing the 1st Legislative District, he was reelected to his eighth term in the Illinois House and was a sponsor of the Equal Rights Amendment.

The ERA is not the only amendment that is and will be before the nation for consideration. Some groups seek to change the First Amendment to accommodate school prayers and parochial schools; others talk about excising the privilege against self-incrimination from the Fifth Amendment, while the Fourteenth Amendment is the target of anti-abortion forces. Still others would embed "right-to-work" provisions into the Bill of Rights. These kinds of decisions ought to be made on the basis of reason and judgment. There is no

For the same reason that I would oppose the use by a religious group of a convention boycott of states that have not ratified the "right-to-life" amendment or by business groups of states that do not have a "right-to-work" amendment, I find myself similarly concerned about the boycott of states that have not ratified the ERA. Can we in good conscience ignore the moral obligation to do unto others as we would have them do unto us?

Edmund Burke said that a legislator's duty to his constituents requires that he vote in accordance with his own conscience. This is even more important

*Continued on page 54.*

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**Should**  
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1979)  
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**Should**  
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Besides the four debates reprinted in this edition of the *Annual*, *Illinois Issues* has published debates on 10 other controversial issues, ranging from the penalties for marijuana to the right of teachers to strike. Listed below are all 10 debates. Back issues of the magazines containing these debates may be purchased for \$2.25 apiece.

Order using the special card inserted in this *Annual*.

**Should a convention be called to amend U.S. Constitution?** (May 1979)  
**NO** by Rep. Penny Pullen; **YES** by Sen. Mark Q. Rhoads

**Should ComEd increase spent fuel storage at the Zion Nuclear Station?** (*April 1979*)  
*NO* by Catherine Quigg; *YES* by Cordell Reed

**Should open primaries be adopted by Illinois?** (November 1977)  
NO by Don W. Adams; YES by David Robinson



YES YES YES YES YES  
YES YES YES YES YES



# boycott

IN 1862 a group of Irish tenant farmers turned their backs on rent collector Captain Thomas Boycott, and a new word entered the English language. However, it described a very ancient practice, the most ancient and notable — albeit fictional — example occurring in *Lysistrata* when the women of Greece withheld their favors in the cause of peace.

The use of the boycott as a weapon to achieve a political or social end is too well established in western society to debate. Similarly, the use of economic

power as a weapon to effect change has been long accepted. Prior to World War II, the American buying public boycotted Japanese goods in order to express its disapproval of Japanese foreign policy. In the last 30 years, the Mideast has been another focal point for international boycott.

Recent years have seen the aggressive boycott of goods manufactured by such firms as the J.P. Stevens Company and the Farah Manufacturing Company because of their extreme labor-baiting policies. Organized labor has also developed boycotts of California grapes and lettuce to induce growers to accept the organization of agricultural workers. When the price of coffee began its upward spiral, Americans attempted to boycott coffee from Brazil, and even the Italian Parmesan cheese merchants have been the subject of a recent boycott.

Critics of the ERA boycott have apparently forgotten that it was a Montgomery, Alabama bus boycott led by Dr. Martin Luther King Jr. that brought black people to the front of the bus, rather than the force of King's oratory or the righteousness of his cause. Only when the Montgomery bus officials began to feel the economic impact of the bus boycott did the imperatives of equality assert themselves.

## Assessing the opposition

By 1975, 34 states of the Union, representing more than 75 per cent of the population of the United States, had ratified the proposed 27th Amendment to the United States Constitution — the Equal Rights Amendment. Many of those who believe that equality of rights

*Continued on page 55.*

ALAN J. GREIMAN

A Democrat representing the 15th Legislative District, Greiman was reelected to his third term in the Illinois House of Representatives. He was the co-chief sponsor of the House Resolution to pass the ERA in the 80th General Assembly.

debate  
debate

**Student trustees:** Should they have full voting rights? (*February 1977*) NO by Lilburn H Horton, Jr.; YES by Mary McDonough Brady

debate

**Cumulative Voting:** The great debate over Illinois' unique system of electing legislators NO by David Kenney; YES by Arthur A. Telscher (*November 1976*)

debate

**Abolish townships?** (*July 1975*)  
NO by Lee Ahlswede; YES by The League of Women Voters

debate

debate

debate

**Should Illinois adopt the open initiative?** (*October 1977*)  
NO by Ann Lousin; YES by Patrick Quinn

debate

debate

**Should the amendatory veto power be curbed?** (*September 1977*)  
NO by William S. Hanley; YES by Dwight P. Friedrich

debate

**Pot:** What should the penalties be for marijuana? (*July 1977*)  
"Present laws are unnecessarily harsh" by Arthur J. Frank  
v. "Some criminal sanction must remain" by Michael M. Mihm

debate

**The right to strike:** Should teachers get it or do they have it? (*April 1977*)  
NO by Orville B. Bergren; YES by Oscar A. Weil

debate

By HAROLD A. KATZ

The suburban and  
downstate legislators  
— generally Republican —  
who are the heart  
of the opposition to ERA  
... are not affected  
by the boycott

*Continued from page 52.*

when he is voting on proposed amendments to the Constitution: The practical effect of a boycott of the states is to seek to subvert that principle.

In addition to the extraordinary importance of any change in the Constitution — acknowledged by the requirement that three-quarters of the states must ratify — there is also a vital distinction that differentiates this kind of boycott from others. When the blacks in Selma boycotted the buses, the pressure was against the bus company that would not let Mrs. Parks sit in a front seat. When a labor union boycotts the products of an anti-union employer, the boycott is directed against the offending company. The party responsible for the condition about which the complaint is being made is the victim of the boycott. Thus, it is not an indiscriminate infliction of harm, but a selective application of pressure *against the responsible party*.

However, boycotts of a foreign country or of the products of that country fall into a different category. In such situations there is no way in which the desired end can be achieved by democratic processes. This is not true of a convention boycott of nonratifying states. The people hurt by the ERA boycott of Illinois are the owners and employees of the hotels, restaurants and shops of Chicago, many of whom may be ERA supporters. They are not the ones who failed to ratify the amendment. Yet these workers — in many instances, blacks and latinos — are the

real victims of the boycott. The suburban and downstate legislators — generally Republicans — who are the heart of the opposition to ERA in Illinois are not affected by the boycott.

The same situation exists in Florida, another nonratifying state. "The irony is that legislators from southern Florida have been overwhelmingly in favor of ERA," said Hal Cohen of the Miami Convention Bureau. "The legislators in Northern Florida aren't hurt a damn by a convention boycott. It's like getting mad at Russia and putting an embargo on bananas from Nicaragua — you hurt the wrong people." In the same way Rep. Greiman's Chicago constituents are penalized by the boycott even though he has consistently supported the ERA. Chicago legislators as a group support the ERA by a 2-1 majority, yet their city is made the victim of a boycott. To treat Chicago in this way when, like all big cities, it is struggling to survive, seems to me particularly unfortunate.

It is not surprising that a boycott that is so misdirected in its targets and so indiscriminate in its effects has been so unsuccessful. No convention state has ratified the amendment since the boycott began. Illinois is the nation's major convention state. In 1972, the Illinois Senate ratified ERA, but the resolution died in the House. No favorable Senate action has occurred since, and no floor roll call has been sought since 1975. The total vote favoring ratification in the Illinois House fell from 113 votes in 1975 to 101 in 1978, 107 being required to ratify.

If you cannot compel a legislator to vote for a resolution by an economic boycott, you are going to have to use persuasion. In America, the land of salesmanship, we learn that one does not persuade by alienating.

Given the onerous requirements for amendment embodied in the Constitution, a successful ratification campaign requires consensus and persuasion. The boycott alienates potential supporters among the uncommitted, polarizing instead of solidifying. Offended by the tactic yet unaffected by the boycott, the uncommitted legislators whose votes are sought and needed are less open to persuasion.

Labor unions do not expect the target of their boycott to love them. Rather, they wish to force the employer to capitulate to their demands. The victim is the one who can make the decision to

surrender to the boycott. In the case of the ERA boycott, the victim and the decisionmakers are *not* one and the same. Thus, the ERA-forces wage a futile boycott, in which they are ultimately to be left at the mercy of those very legislators whom they have unsuccessfully sought to coerce. At the same time, ammunition with much local appeal has been furnished to the opponents of ERA which they can use effectively to create a negative image both among the uncommitted legislators and the voters in the district where the battle is also being waged.

Legislators are human: How would you react to an effort to cause you to change your vote on a constitutional amendment, not by an appeal to your reason, but by a threat to boycott your state? Would you feel that a group seeking to drive convention business away from your home state was your friend or your enemy?

The boycott not only makes it more difficult to persuade the uncommitted, it also diverts effort, energy and interest from what has to be done to successfully carry the ratification. The college professor in Trenton who thinks that he has accomplished something for ERA in Illinois by not attending a convention in Chicago and spending his money instead in Denver has been sold a bill of goods. If he or she really wants to help ERA in Illinois, a political contribution and letters to friends in Illinois would provide assistance in addition to self-satisfaction.

In contrast to the tactics of the boycott is the action of the Central Conference of American Rabbis. Strongly favoring the ERA, the conference, nevertheless, decided to hold its 1979 convention in Phoenix. Because Arizona has not ratified the ERA, however, the conference attached a proviso that the role of women in contemporary life be a major theme of the convention. "A post-convention survey of the membership has elicited a 20-to-1 approval of the ultimate decision," the conference reported.

The boycott promises what it cannot deliver. It diverts attention from what could be done. It subtly changes the focus of public attention in the nonratified states from equal rights to boycott tactics. The battle to ratify the ERA will not be won by a boycott. It must be won in the precincts and in the hearts and minds of the voters.□



By ALAN J. GREIMAN

It would indeed be sad  
for all Americans  
if their right to petition  
could not include using  
economic means  
to achieve  
political and social ends

*Continued from page 53.*

should not be denied because of gender searched for something that would reflect both their intellectual commitment and their visceral feelings "to do something." In the mid 70's, supporters of the ERA, armed with professionally reliable opinion polls that showed overwhelming support by the American people, perceived their opposition as highly vocal but limited in both location and numbers. Moreover, ERA supporters recognized that their opponents had achieved some degree of success in developing extraneous and immaterial — yet highly emotional — issues around ratification.

It was in this context that supporters of ERA determined to impose a convention boycott upon "nonratification" states. The boycott leaders hoped that the use of such economic power would have an impact on leaders who had previously been unconcerned about ratification. In addition, the boycott would serve as an organizational tool for ERA supporters and a rallying point for those who wanted to demonstrate their commitment to the ERA.

## The boycott's support

To date more than 170 organizations have elected to join the boycott and are making arrangements to have future conferences and conventions only in those states that have ratified the ERA. These groups are professional, religious, social action, political and even governmental. They represent a broad spec-

trum of American thought.

Critics of the boycott have claimed some kind of fanciful carpetbagger conspiracy exists because the pressure exerted on members of the Illinois General Assembly comes from people and groups located outside Illinois. On an issue which will amend the federal Constitution, however, members of the Illinois General Assembly have a different kind of constituency since their decision will have an impact on all Americans. As a matter of fact, the "equality" written into the Illinois Constitution and the Illinois statutes probably comes closer to the ideal of equality than those of most other states. But this does not insure the same equality for all Americans.

Another complaint often voiced by critics is that the ERA convention boycott is in the nature of a secondary boycott, the burden of which falls most often upon "the innocent." However, the primary purpose of the boycott is to develop interest in ratification among the business community of Illinois so that the business community will exert its considerable pressure and influence on the political process. It would be the ultimate naivete to suppose that the business community and the political community are strangers. Even at this writing the Hilton Hotel chain is negotiating with the City of Chicago for an arrangement that would allow the city to acquire a site for a new Hilton Hotel at a very strategic Loop location. More often than not, the relationship between the business community and the political structure has been healthy and has made Illinois, and especially Cook County, a favorable place in which to work and live. To be sure, the burden of the boycott will fall on many working people: cab drivers, restaurant employees, hotel employees, our entertainment industry — and even the "hookers" — are likely to feel the impact of a convention boycott. But perhaps they, too, will add their voices to the chorus of people who want ratification.

Mention must be made of the misguided litigation initiated by the State of Missouri. Missouri has claimed that a convention boycott is in violation of state and federal anti-trust laws. It would indeed be a sorry moment for all Americans if their right to petition their government and their right of redress were curtailed by prohibiting them from using economic means to achieve legiti-

mate political and social ends. Missouri's action would seriously impair basic constitutional rights.

Has the convention boycott worked and should it continue? Both sides play a "numbers" game in the public arena. Proponents develop complex formulas to exaggerate the impact, and opponents go to great lengths to minimize the effect of the boycott. According to 1973-1976 figures from the Chicago Convention and Tourism Bureau, the average convention attendee generally paid about \$189 to hotels and restaurants for a three-day stay in the city; attendees at trade shows generate about one-and-one half times as much and corporate meeting attendees about half of that sum.

NOW estimates that losses between 1977 and 1986 caused by the cancellation of Chicago conventions and the reluctance of established Chicago customers to return to the city will amount to approximately \$81 million. To determine the *real* impact of that loss, economists compute an economic turnover factor as well as the amount of tax revenues lost and add these amounts to the actual sums lost. Thus the real impact of the boycott may be more than double the \$81 million estimate for the decade.

## Chicago Democrat leaders

In the spring of 1978, Chicago Mayor Michael A. Bilandic and Cook County President George Dunne played leading roles in efforts to bring about ratification in the Illinois House of Representatives. To be sure, both of these men have long records of supporting equality and come from a party with an historic mission to battle for equal rights. However, one cannot dismiss the fact that action by the political and governmental leadership of Cook County coincided with the convention boycott.

Each group and each person, however, will have to determine for themselves the shape and strength of lobbying efforts in the days to come. Clearly, the extension of the time within which the ERA may be ratified will intensify the effects of the boycott.

The cause of equality in a free society has no deadlines or timetables, and the vision of Americans joining together to bring about social or political change through lawful means is in the best tradition of our constitutional government. □



**NO NO NO NO NO NO**  
**NO NO NO NO NO NO**

## ERA Amendment

The amendment passed Congress on March 22, 1972, and was submitted to the legislatures of the states for ratification. Three-fourths (38) of the states must ratify it within seven years of the submission date in order for the amendment to be valid. As of March 1, 1978, 35 states have ratified it with Illinois among the 15 which have not.

Homosexuals themselves obviously see the ERA as a wedge in their efforts to gain acceptance in Dade County, Fl., when the county commission passed the

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# YES YES YES YES YES YES YES YES YES YES



## be ratified?

RATIFICATION of the Equal Rights Amendment to the federal Constitution will ensure full, final constitutional recognition for equal treatment of women and men before the law. Thirty-five of the necessary thirty-eight states have ratified ERA, and the Land of Lincoln is in a pivotal position in the effort to remove sex (gender) discrimination from government action.

The long struggle for equality began before the Constitution was adopted, and progress since has been uneven. The ERA was first proposed in 1923 and finally passed by Congress in 1972. An illusion of equality now exists, although antidiscrimination laws are ineffectively and erratically enforced. ERA will not provide a panacea, but will bring about important changes by providing judicial recourse to inequities in the laws and in their enforcement.

An important fact in the case for ratification of the ERA is that three quarters of the 40 million working women are single, divorced, widowed or have husbands earning less than \$10,000 yearly. Clearly, most women work because of need, and women's substandard pay affects us all. Although ERA will not markedly expand the protection of major federal laws, these laws will be more carefully applied; and standards, policies and enforcement will be consistent. During the two-year grace period provided by ERA, state legislatures will reevaluate protective legislation, extend necessary laws and strike those preventing full participation of women. ERA will provide a universal, accessible and permanent standard by which to identify sex discrimination in employment.

It seems self-evident that our educational system should be open and without bias and should encourage development of all native abilities. Too often, however, girls and women have

not found this true. Title IX, which prohibits sex discrimination in education, could make a difference, but the U.S. Department of Health, Education and Welfare has never vigorously enforced it. Enforcement of ERA through legislatures and the courts will equalize educational opportunities.

If it is ratified, ERA will remove the present double standard in marital law. Calm consideration indicates the courts would continue to be reluctant to interfere in ongoing marriages, and it is a cruel deceit to shrilly insist otherwise. In Illinois, where our state Constitution already prohibits sex discrimination in state and local laws, changes have occurred, although some inequalities still exist in labor, divorce and family law. Laws of all states concern each of us, however, and in some, marital laws are medieval. Ratification of ERA would encourage reform and promote consistency of enforcement.

One basic fact, for example, is that every marriage ends in death or divorce. For large estates, federal tax laws still discriminate since homemakers' contributions are given no economic value. In only eight community property states will a wife absolutely inherit one-half the marriage-acquired property. In some, without a specific bequest from her husband, a wife is not assured of any share. Men have no such problems.

Moreover, it seems self-evident that in cases of divorce, custody of the children, child support payments, property division and alimony allotments should be decided without discrimination. Child support payments have a limited value. They seldom equal half the need and, like alimony, are often unpaid. ERA will not solve the collection problem, but based on legislative history, it should ensure that decisions in divorce will be based on individual circumstances including the

nonmonetary value of homemakers' contributions, the earning power of both spouses, current resources and the children's welfare.

Discriminatory rules and practices in credit, insurance and Social Security need correcting. Ratification would solidify gains brought about by recent public discussions and Supreme Court rulings, especially in credit. Scrutiny of sex discrimination in Social Security provisions would benefit both men and women. Statistics do not back many current practices in life, disability and health insurance since some practices favor women and some men — overall probably to women's disadvantage. Courts seldom have ruled that state regulation of insurance companies constitutes state action. ERA could strengthen the case for state involvement, and, in any case, discrimination in government insurance programs could be rectified.

Responsibilities go hand in hand with rights. Under ERA participation in the U.S. armed services by women and men would be equalized. Emotional rhetoric has obscured this issue. We have no draft. Congress *now* has the power to draft women just as all *persons* are now subject to Illinois state militia service. With a new draft there would be, as always, classifications based on abilities, family responsibilities and other factors. Assignment within the services has always been affected by individual capacities. Higher entrance requirements and other traditional barriers now prevent women volunteers from

*Continued at top of page 58.*

### JEAN E. MAACK

A junior high school teacher of science, math and home economics, and mother of four children, she is the ERA Illinois president and the chairperson of the ERA Political Action Committee.

**NO**  
 ERA can add  
 nothing to  
 current laws  
 which guarantee  
 women equal pay,  
 equal credit,  
 equal education  
 and equality  
 in athletics

*Continued from page 56.*

ordinance in January 1977 to prohibit the right of private and public schools to refuse to hire homosexual teachers, one of the homosexuals' spokespersons stated, "I don't know why you people are opposing this local ordinance, because when ERA is ratified this will mean that homosexuals will have won all across the country and will be allowed to teach in the schools everywhere."

It should be apparent, too, that Section 2 of ERA is a big power grab by the federal government. Each state is clearly different from the others, reflecting in its laws the differences in its people and their political philosophies. This is the way our republic is structured. The immediate and dramatic effect of ERA would be to transfer from the state legislatures to the federal government powers that have always been the exclusive responsibility of the states. These include jurisdiction over family law, divorce, child custody, minimum marriageable age limits, dower rights, inheritance, survivors' benefits, insurance rates, welfare, prison regulations and protective labor legis-

lation.

Sen. Ervin put it very well when he said, "ERA will virtually reduce the states of this Union to meaningless zeroes on the nation's map."

On the surface ERA sounds good. The majority of the states which have ratified the amendment did so in bandwagon style within six months after it passed Congress — one within 24 hours — in what could only have been an absence of adequate study and debate. Increased public awareness has resulted in a definite reversal. Only one state has ratified the amendment in the last two years while 15 states have repeatedly defeated it; Illinois for the sixth consecutive time. In addition three states — Nebraska, Tennessee and Idaho — voted to rescind their earlier ratification. Moreover, overwhelming defeat in 1975 by the voters of New York and New Jersey of equal rights amendments to their state constitutions is broadly seen as further disenchantment with the proposed national amendment.

ERA is not the way. Illinois does not need or want ERA. The Illinois legislature should defeat ERA again this year. □

**YES**  
 ERA will not  
 provide a panacea  
 but will bring  
 about important  
 changes by  
 providing judicial  
 recourse to  
 inequalities in  
 the laws and in  
 their enforcement

*Continued from page 57.*

securing the same career, training and educational opportunities as men. ERA would rectify that discrimination.

ERA would prohibit sex discrimination in prison sentences and require equal accessibility to rehabilitation opportunities. Unfair court procedures (as in rape cases) would be reviewed. The courts and legislatures will either extend or invalidate discriminatory laws. Following present trends, rape laws will be extended to cover both sexes.

Opponents of ERA claim nonexistent rights of support by husbands. They falsely claim that ERA will cause proliferation of abortions. In 1973 the U.S. Supreme Court ruled that the essence of that issue was the right to privacy guaranteed in the Bill of Rights. ERA addresses gender, not sexual activity, yet hysterical voices are raised concerning homosexual marriages. Opponents suddenly "repeal" the 1st Amendment to insist that churches will be affected. With selective blindness they fail to note the 10th and other amendments, and the grace period in ERA; then they drag out the "red

herring" of state's rights. Or they claim that present legislation will suffice though they protested the passage of most antidiscrimination laws.

They ignore the basic tenets of our political and judicial system. Do they truly think legislatures will go berserk and courts will abandon due process? Such self-serving assumptions falter in the cold light of reason. We need not rely on such assumptions. Fifteen state constitutions have equal rights language. No horrible disasters have overtaken Illinois or these others. Women have not lost rights and privileges. Some areas of employment, insurance and criminal law have improved; and domestic and inheritance matters have become less discriminatory.

Ratification of the Equal Rights Amendment will move us toward equality of the sexes under the law. It will protect the individual's freedom to choose. ERA will provide a permanent and accessible remedy for sex discrimination. The Land of Lincoln surely will fulfill its responsibility to all citizens of the United States by ratifying the proposed 27th Amendment. □





# Illinois tax revolt the 8% solution

Totten calls for limits  
on state revenues  
and property tax rates

WITH the overwhelming approval of the Thompson Proposition, it is evident Illinois citizens want some kind of ceiling imposed on taxes and governmental spending. The 81st Illinois General Assembly now faces the task of translating this mandate into workable legislation. A focal point for tax limitation and spending discussion will be the Taxpayers' Rights Amendment, a proposed constitutional amendment drafted by the Illinois Tax Limitation Committee. It would place a ceiling on state revenues and set a limit on the property tax levies of non-home rule units and school districts.

The tax revolt movement burst into prominence in the country with the passage of Proposition 13 in California on June 6. One question is whether Illinois would accept or need the very restrictive measures of Proposition 13.

As summarized by Jerome Evans in his article, "Proposition 13: The Morning After" (*State Government*, Spring 1978), the four main provisions of Proposition 13 are:

1. A limitation on property taxes of 1

per cent of full value. This results in a reduction in existing rates from an average of \$10.68 to \$4 per \$100 of assessed valuation (property being assessed at 25 per cent of fair market value in California).

2. A rollback of assessed values to their 1975-76 levels and a limit on annual increases to 2 per cent, except in the case of new construction or property that changes hands, in which case the property may be assessed according to fair market value.

3. The requirement of a two-thirds vote of both houses of the legislature, rather than a simple majority, to increase state taxes.

4. The requirement of approval of two-thirds of the voters in each local jurisdiction for the imposition or increase of local taxes other than property taxes in that jurisdiction.

The provision with the greatest initial effect was, of course, the provision cutting local property taxes to 1 per cent of full value.

## Factors in California

Several factors led to the success of Proposition 13, the first and most important being the impact of inflation on residential property values in California. It is not uncommon to find that the market value of a California home has tripled in eight years. For example, a

house purchased in 1970 for \$32,000 is now worth \$96,000. Assuming that in 1970 it was assessed at 25 per cent of its market value or \$8,000, its assessed value in 1978 is \$24,000. If the 1970 tax rate was \$7.00 per \$100 or assessed value, the tax bill was \$560. Assuming a modest increase in the property tax rate of \$7.00 in 1970 to \$9.00 in 1978, the current tax bill would be \$2,160.

The second factor was the size of the surplus in the California treasury and the failure of the legislature to pass property tax relief legislation. In June 1978, it was estimated that the surplus was between \$5 and \$6 billion. Because California's economy has been booming in recent years, its tax collections — especially from the 6 per cent sales tax and the steeply graduated income tax — have produced revenues far in excess of the state's financial requirements.

Unlike California, Illinois has a very small treasury surplus. At the close of the 1978 fiscal year the surplus was approximately \$86 million. This is about 5.8 per cent of the \$1.475 billion revenue loss local governments would have sustained if a 1 per cent property tax limitation had been in effect in Illinois in 1976.

The third factor was the mailing of revised property assessment notices immediately prior to the June 6 election. In the last two years assessed valuations

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in California have increased by as much as 13 and 14 per cent. With higher property taxes an immediate possibility, Californians seized upon Proposition 13 as a way to prevent the impending tax hike.

California property taxes have been among the highest in the nation, according to data from the U.S. Bureau of the Census. In 1975-76 the average nationwide per capita property tax collection was \$265.54. The California per capita collection of \$415.23 was exceeded only by Alaska (\$1,048.46), Massachusetts (\$430.52) and New Jersey (\$446.48). In Illinois the per capita amount was \$283.95, \$18.41 above the national average.

California property taxes have been high also in terms of personal income levels. In 1975-76, property taxes nationally averaged \$45.33 per \$1,000 of personal income, but in California property tax collections totaled \$64.13 per \$1,000 of personal income. The California total was exceeded by Alaska (\$120.45), Massachusetts (\$70.31), Montana (\$65.06), New Hampshire (\$66.80) and New Jersey (\$66.60). In Illinois property taxes totaled \$42.14 per \$1,000 of personal income, \$3.19 below the national average.

## Tax limit in Illinois

Since the passage of Proposition 13 there has been some speculation about imposing a similar 1 per cent property tax limit in Illinois. What would a 1 per cent limitation mean in Illinois? Data from the Department of Local Government Affairs indicate that the full market value of all taxable Illinois real estate was about \$181.7 billion in 1976. It should be noted that the 1 per cent limitation would be applied against the market value of all taxable real estate and not the equalized value, which generally, in Illinois, is two-thirds lower.

One per cent of this \$181.7 billion tax base is \$1.817 billion. In 1976 the total property tax levied by all local governments came to approximately \$3.3 billion on tax bills sent to property owners. Thus, a 1 per cent property tax limitation would reduce Illinois property tax revenues by about 45 per cent. In California, it is estimated there will be a 57 per cent reduction in property tax revenues.

One estimate of the effect of a 1 per cent tax limit in Illinois shows a tax

loss of \$1.475 billion, using 1976 figures. If the loss is spread among all types of governments which receive property tax revenues, the results would be particularly catastrophic for municipalities and school districts (see table).

In the turbulent wake of Proposition 13, the newly elected 81st General Assembly will be confronted with many tax cutting proposals. One of the most prominent will be the Taxpayers' Rights Amendment proposed by the Illinois Tax Limitation Committee. The committee, headed by Rep. Donald Totten (R., Hoffman Estates), listed 80 members of the current 80th General Assembly as supporters of the amendment — 66 Republicans and 14 Democrats.

In broad terms the proposed Taxpayers' Rights Amendment would do two things. First, it would set a limit on the amount of revenue the state of Illinois can take in during the fiscal year and second, it would limit the

provides that during any fiscal year the state's actual revenues from sources other than federal aid and trust accounts "shall not exceed 8 per cent of the aggregate personal income in Illinois of the calendar year in the next-to-the-last full calendar year preceding the fiscal year." This means that if the amendment were passed, the state's revenue limit for the 1982 fiscal year (which begins in July 1981) could not exceed 8 per cent of the total personal income received in Illinois during calendar year 1979. ("Personal income in Illinois" is defined in the proposed amendment as the total income received by persons in Illinois as officially reported by the U.S. Department of Commerce.) According to the committee's estimates, the state's total personal income in 1979 will amount to about \$113.194 billion; therefore, the revenue limit for fiscal 1982 would be about \$9.056 billion.

### Estimated property tax losses to Illinois local government under 1 per cent limitation

(Based on 1976 property tax extensions)

	Property taxes as levied	Property tax under 1% limit	Estimated tax loss
Schools	\$1.901 billion	\$1.049 billion	\$852 million
Municipalities	634 million	350 million	284 million
Counties	274 million	151 million	123 million
Townships	122 million	68 million	54 million
Special districts	361 million	199 million	162 million
<b>TOTALS</b>	<b>\$3.293 billion*</b>	<b>\$1.817 billion</b>	<b>\$1.475 billion</b>

\*Total slightly higher due to rounded figures.

Source: Department of Local Government Affairs

amount of property taxes which can be levied by non-home rule units and school districts. Under the proposed amendment, home rule units could decide by referendum if they wished to be included in the local government revenue limitation. The committee anticipates that the proposed amendment would be voted on in the 1980 general election and if approved, would become effective July 1, 1981.

## Taxpayers' Rights proposal

Because this property tax proposal is the most developed of all the plans and packages which have surfaced during the last five months and because it has broad support among legislators, it may be the focus of the General Assembly's inevitable tax cut proposal.

Section 1 of the proposed amendment

Excluded from the proposed limitation are: 1) revenues from the federal government, 2) revenues received by the state's revolving funds and 3) contributions to and earnings from trust funds in the custody of the state treasurer.

Section 2 provides that if the state's actual revenues exceed the 8 per cent limit by 2 per cent or less, the excess will be deposited in a Budget Stabilization Fund. Expenditures from this fund are to be reserved for emergency purposes only.

This section also outlines measures to be taken in case of a fiscal emergency. Under the amendment, an emergency situation could be declared only upon completion of the following procedure: 1) the governor must request the General Assembly to declare an emergency; 2) the request must state the nature of the emergency and the dollar



amount necessary to alleviate it; and 3) the General Assembly must declare the existence of the emergency by a three-fifths vote of the members elected to each house.

If this procedure is followed and the funds in the Budget Stabilization Fund are still not sufficient to allay the emergency, the General Assembly may approve state tax increases which would produce revenues in excess of the 8 per cent limit. These increases must be approved by a two-thirds vote and are effective for only one year.

Section 3 of the proposed amendment provides that if the state's total revenues in any fiscal year exceed the 8 per cent revenue limit by more than 2 per cent, or if there are excess funds in the Budget Stabilization Fund, the General Assembly must use these funds to reduce the unfunded accrued liabilities of the state's pension systems, to retire the state's general obligation bond debt or to reduce or rebate state taxes.

To illustrate the potential benefits of the proposed amendment, the committee has provided some forecasts of the financial ramifications of sections 2 and 3. The committee projects that if personal income in Illinois is \$113.194 billion in calendar year 1979, the 8 per cent limit would provide state revenues of \$9.056 billion in fiscal year 1982. However, it is estimated that the actual total state revenues for fiscal 1982 will be about \$9.386 billion. This would leave a surplus of \$330 million. About \$181 million of this amount (2 per cent of the \$9.056 billion in allowable state revenues for fiscal year 1982) would be placed in the Budget Stabilization Fund. There would be \$148.9 million available for the General Assembly to redistribute as it chooses in the three areas: the state's pension systems, the state's general obligation bond retirement, and/or tax relief.

## Limits on local taxes

Limitations on the amount of taxes non-home rule units and school districts can impose without referendum approval are provided for in the proposed amendment's fourth section. Excluding the value of new construction, improvements and annexation, non-home rule units and school districts are prohibited from increasing taxes levied on real property by more than 3 per cent over the previous year's collections.

For example, a residence with a taxable value of \$25,000 and a tax rate of \$4 for \$100 would have a tax bill of \$1,000. Assume the taxable value of the home goes up the next year to \$30,000. The tax bill for that year, however, may not rise more than 3 per cent — producing a tax bill of \$1,030. To assure that this homeowner's tax bill would not exceed \$1,030, the local county clerk would have to recalculate the tax rate. In this case, a rate of \$3.43 per \$100 of equalized assessed valuation on a \$30,000 home would guarantee \$1,030 in property tax revenue and satisfy the tax limit. But to get an increase higher than this, the school district or non-home rule unit would have to pass a referendum. Exempted from these limits are taxes imposed by non-home rule units and school districts to retire bonded indebtedness.

Sections 4 and 5 deal with changes in the tax base of non-home rule units and school districts. The fifth section provides for automatic revenue limit

## Now that the campaign rhetoric has cooled, the Taxpayers' Rights Amendment can serve as an initial focal point for a rational discussion of the tax relief dilemma

increases and decreases for local government units or school districts which have functions or programs transferred to or from them. No net increases in program costs would be permitted as a result of the transfer. For instance, if welfare relief provided by townships were transferred to counties, the county would be required to carry out the added welfare functions at the same level as the townships.

Section 6 gives the General Assembly the responsibility of setting a revenue limit for a newly created unit of local government during its first year of operation.

Section 7 provides that state aid to local governments and school districts may not be reduced below the proportion provided for by the General Assem-

bly in fiscal year 1980. This section also requires that the state fully fund all programs mandated by it. However, if a program is mandated for local governments or school districts by federal legislation, the state would not be required to reimburse the local units. For example, federal mandates requiring that local government facilities be made accessible to the physically handicapped will be exceedingly costly. Under section 7, the General Assembly would not be required to help local governments pay for the federally mandated improvements.

The eighth section provides that replacement taxes imposed because of the possible elimination of the personal property tax on businesses shall be excluded from all revenue limitations (See "Legislative Action," p. 28).

The ninth section empowers the General Assembly to enact the necessary legislation to implement the amendment.

## A rational focus

In summary, the Taxpayers' Rights Amendment appears to be a rational response to the tax revolt. Unlike Proposition 13 in California, the proposed amendment to the Illinois Constitution does not require that local governments absorb the entire tax relief burden. The amendment also recognizes that state government must operate within reasonable limits which assure adequate revenue growth. In addition, the amendment gives the state the flexibility to respond to financial emergencies and to target state treasury surpluses to areas of legitimate financial need.

The limits imposed on local governments take into account the need for revenue growth but also provide for adjustments in the tax rates to limit financial windfalls resulting from increased assessed valuations. Finally, the amendment provides local governments with some financial relief by requiring that state mandated programs be fully funded by the state.

For the past six months tax relief has been one of the most hotly debated items on the public agenda. Now that the campaign rhetoric has cooled, the Taxpayers' Rights Amendment can serve as an initial focal point for a rational discussion of the tax relief dilemma.□

## Twenty-five years of state finances analyzed; future problems pinpointed

# The growth in state spending

ILLINOIS VOTERS have sent a clear and emphatic message to Illinois legislators: Government spending must be controlled. Even though Illinois has had balanced budgets the last two years, voters want curbs on government spending. But simple as the message is, it isn't as easy to determine ways and means to respond to it.

Revenue-spending limits can take many forms, ranging from actual cut-backs in the spending base to annual increases in spending subject to specific and more or less severe restraints. Given the intensity of taxpayer feelings, however, there is a genuine danger that limits on spending (or perhaps a limit on revenues) will be imposed before the delicate and defining linkages between spending, taxes and state economic growth are fully considered.

Most commonly, spending limits are related to general economic growth in a state, so that state spending may actually increase each year and new taxes may remain a possibility but subject to tougher requirements for enactment. This is true of the proposed constitutional amendment, House Joint Resolution 22, which would limit spending. Sponsored by Rep. Donald L. Totten (R., Hoffman Estates), H.J.R.C.A. 22 passed the Illinois House in 1977. It is also true of the newly proposed constitutional amendment drafted by the Illinois Tax Limitation Committee, which is chaired by Totten (for details, see "Illinois Tax Revolt," December).

Assuming that the revenue-spending limits are connected to economic growth, it is important to examine the

past history of revenue-spending and economic growth of state government in Illinois. The results of such an analysis suggest that state spending in Illinois has been consistent with economic growth in the state for the last five years. State spending in the future will likely be determined as it has in the past, by spending trends in a few basic areas.

While state spending (all appropriated funds) increased from \$3.5 billion in 1970\* to \$8.6 billion in 1978, the average *rate* of increase per year over that span was 12 per cent. In that same period (1970-78), the average annual growth in the economy, measured by changes in personal income nationally, was 10 per cent, while the average annual growth in inflation was 7 per cent. State spending over those eight

years increased two and one-half times, and the *annual* rate of increase was somewhat higher than the rate of growth in the economy.

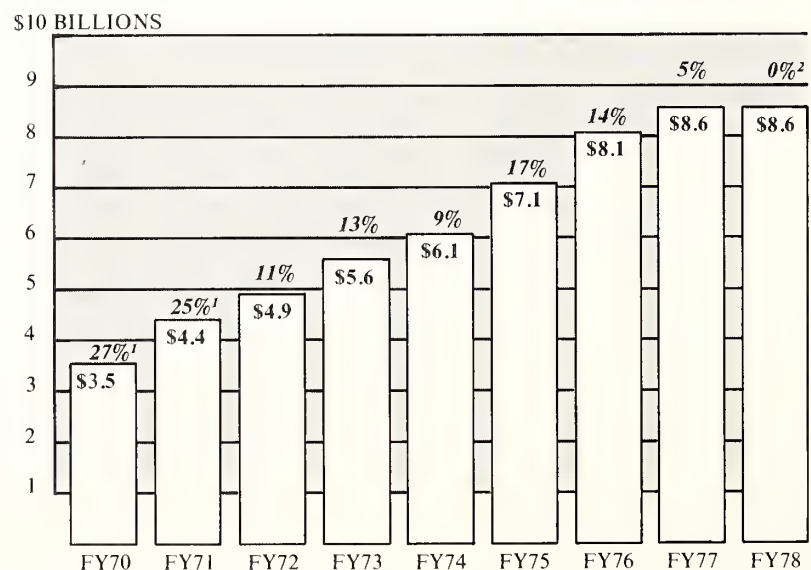
### Slower spending growth

More significant, however, is the record over the past five years. State spending has increased at a much lower rate, culminating in 1978, when the total spending for all appropriated funds increased just two-tenths of 1 per cent over the \$8.56 billion that was spent in 1977 (see table 1). This dramatic trend toward slower growth in spending resulted from strong administrative controls over spending (a balanced budget in 1978, a hiring freeze) as well as sustained economic growth.

While the trends involving all appropriated funds are important, those

\*This is fiscal year 1970 and all years referred to hereafter are fiscal years.

Table 1 Spending and percentage growth of all appropriated funds



<sup>1</sup>Unusual growth in 1970 and 1971 was due to the one-time impact of the new state income tax.

<sup>2</sup>The actual increase was 2/10 of 1%.

Source: Bureau of the Budget.

RICHARD KOLHAUSER

Deputy director of the Bureau of the Budget, he has worked under three governors in the area of state finances since 1970.



which relate to the state's general funds are especially significant; and they reveal a similar pattern in state spending. The general funds support education, public aid, mental health and dozens of other state programs, all of which account for nearly 70 per cent of total state expenditures each year. Revenue for the general funds comes mainly from the state income tax and sales tax. Like total state spending, general funds spending increased by two and one-half times from 1970 to 1978, from \$2.5 billion to \$6.3 billion. The average annual rate of increase was 12 per cent, as compared to the 10 per cent average annual growth in the economy and the 7 per cent average annual increase in inflation.

## Spending v. the economy

Once again, the record from 1973 to 1978 is even more revealing, suggesting that Illinois has, in fact, limited its spending to the overall economic growth over that period. The balance between spending and economic growth was achieved only after a state fiscal crisis was resolved. Spending increases had been outstripping economic growth, threatening a tax increase by 1977. That threat however forced a sharp reduction in spending growth (see table 2). The 5 per cent spending increase in 1978 was the smallest annual increase since 1963, and prevented the imposition of new taxes in 1978.

A balanced relationship between the growth in state spending and growth in the economy is crucial to the state's financial well-being. If, over time, state spending increases faster than the economy increases, revenues will fall short of spending and state taxes have to increase.

This can be demonstrated by comparing the growth in state spending to economic growth for the last 25 years. The average annual growth in general funds spending over the last quarter century (1953-78) has been almost 12 per cent, while the economy grew only an average of about 8 per cent. In contrast, state revenues grew at about the same rate as the economy. The backbone of the revenue structure in years past was the state sales tax (almost 70 per cent of state revenues in 1963). The sales tax grew at very nearly the same rate as the economy over the last quarter century increasing at an annual rate of 7

per cent over that period, while the average annual growth in the economy was 8 per cent, based on the average annual change in U.S. personal income.

Since the state income tax was added as a revenue source in 1970, total state revenues have grown at the same rate as the economy, both of them increasing at an average annual rate of 10 per cent since 1973.

If the "natural" growth in state revenues from 1953 to 1978 was about the same (but somewhat slower) than economic growth (8 per cent), but state spending increased an average of 12 per cent, it is apparent state taxes had to be increased. In fact, since 1953 five major tax increases were required to finance the growth in state spending, including sales tax increases in 1955, 1959, 1961 and 1967, and the imposition of the state income tax in 1969. But tax increases have not been required in the last five years since spending, revenues, and the economy have all grown at approximately the same rate. It is difficult to predict whether this balance will continue, but the examination of historical spending trends for major programs offers some basis for speculation.

## Key spending areas

While the aggregate growth in state spending is comprised of trends for dozens of state programs, it is significant that three program areas, broadly defined, represent 85 per cent of all general funds spending. Education,

including elementary and secondary schools, universities, special education, community colleges, retirement systems and scholarships, accounts for 39 per cent of that total. Public aid grants received 30 per cent of that total, and state operations, 16 per cent. The remaining 15 per cent finances grants for other programs as well as tax relief for the elderly (Circuit Breaker), state revenue sharing with local governments, public transportation subsidies and debt service.

Spending for operating state government includes wages and salaries, travel, equipment, computer costs plus other costs. Wages and salaries for state employees, however, is the single largest item under operating costs, accounting for about 75 per cent of the total.

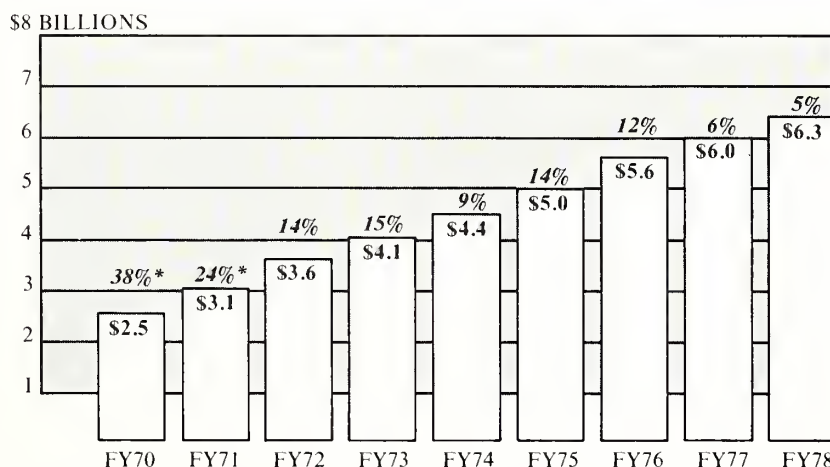
But, growth in operating costs has been less than the growth in total spending. Since 1973 the average growth in operating costs has been 7 per cent compared to the 9 per cent average growth for all general funds spending.

The comparatively slow rate of growth for operating costs is, in part, attributable to a leveling off in state employment, which grew from about 42,000 in 1958 to 79,000 in 1975, and then actually declined and stabilized at about 78,000 from 1976 to 1978.

But the two major programs financed by the general funds — education and public aid — have historically determined the trends for total state spending.

The annual growth rates for educa-

Table 2  
Spending and percentage growth of general funds



\*Unusual growth in 1970 and 1971 was due to the one-time impact of the new state income tax.

Source: Bureau of the Budget.

tion spending were particularly high during 1967 through 1971, at times reaching 20 to 30 per cent annually. In the last five years, however, comparatively moderate spending growth, triggered by a decline in school enrollments, has occurred. For example, the average annual growth in spending for education since 1973 has been 9 per cent.

Within the composite 9 per cent education growth rate, spending increases for higher education averaged 7.7 per cent and 9.4 per cent for elementary education. The continuous decline in school enrollments which began in 1971 has helped to relieve spending pressures. But the impact of this decline for elementary and secondary education has not been as great as might have been expected since state spending has accelerated for school programs unrelated to enrollments, such as textbooks, bilingual education, teacher retirement, transportation and special education. While the average annual growth rate for the 1973-78 period for general state aid to schools under the school aid formula has been 8 per cent, the average annual growth rate for other aid has been comparatively high at 13 per cent.

## Public aid trend

The spending trends for public aid programs have been even more dramatic than those for education. Public aid consists primarily of income assistance (aid to families with dependent children and general assistance) and medicaid (hospital services, nursing homes, physicians, pharmacists). Between 1968 and 1973, the annual growth in spending for public aid always exceeded 20 per cent, with a high of 41 per cent in 1971. This increase was consistent with an increase in the caseload, from 60,000 in 1968 to 197,000 in 1973, for an average annual increase of 27 per cent over that period. The introduction of the medicaid program, changes in federal regulations which made more persons eligible for aid, a broadened definition of state-provided services, and a slowdown in economic growth contributed to this expansion from 1968 to 1973.

Since 1973, however, the average growth in spending per year for public aid has been reduced to only 8 per cent, which is an even lower rate than the 9 per cent increase in annual spending

**Table 3**

### Fastest growing programs<sup>1</sup> — general funds spending, 1973-78

	Average annual growth
Property tax relief for elderly	78%
Public transportation subsidy <sup>2</sup>	11
Debt service, general obligation bonds	27
State revenue sharing, local governments	11
Retirement, all systems	13
ALL STATE PROGRAMS	9%

<sup>1</sup>Exclusive of programs in public aid, education and minor programs.

<sup>2</sup>From 1975-78 only.

Source: Bureau of the Budget.

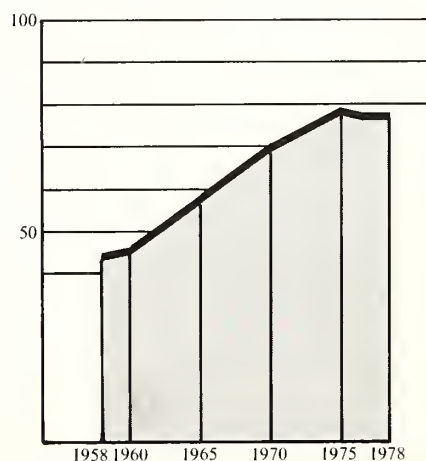
from the general funds over that same period. Lower spending for income assistance — primarily the aid to families with dependent children program — accounts for that stabilization, even in the face of double-digit increases in medicaid spending during that time span.

By now it should be clear that spending growth and economic growth were in balance during 1973-78 because the spending trends for both education and public aid changed sharply from those of the late 1960s and early 1970s. If both school enrollments and public aid caseload had not dropped in recent years, state spending would have been pushed much higher, requiring new taxes.

In contrast, however, to the recent stabilization of the three most significant areas of state spending, some individual programs in the budget are

**Table 4**

### State employment, 1958-78\* (in thousands)



\*Excludes employment for higher education which grew from 14,000 in 1958 to 35,000 in 1978.

Source: Office of the Comptroller.

growing at a rate well above the rate of economic growth (see table 3).

As might be expected, among the fastest growing programs are many comparatively new ones — property tax relief for the elderly, subsidy to public transportation, state revenue sharing with local governments and debt service (repayment of money borrowed through general obligation bonds for capital construction). All of these programs are new to the state since 1970.

While the programs in table 3 comprised only about 13 per cent of the budget in 1978, they accounted for almost 34 per cent of the increase in general funds spending.

## Spending outlook

It is possible to derive a spending outlook for individual programs by examining projections of the factors which drive spending, the same factors used to understand historical spending trends. The spending outlook for the general funds clearly depends upon the outlook for the three largest programs, the fastest growing programs and any major new "demand" for state provided services.

Any change in the underlying factors driving spending in the largest and/or fastest growing programs could create an especially fierce competition among program areas for new funds, especially if total spending were limited in some way. Similarly, any major new program would begin to draw funding away from existing programs if total spending were constrained by some method.

In this analysis, inflation is presumed to affect spending in all program areas. Since state revenues (general funds) grow along with inflation, whatever the rate, inflation driven increases in spending are largely provided for. The major exception to this assumption is inflation in the delivery of health care, a fact reviewed later.

State spending for the management and operation of state government (16 per cent of general funds budget) in future years will depend, of course, upon the number of state employees and the rate at which salaries are increased. The impact of collective bargaining for state employees is difficult to predict, but it will be a very significant factor.

The number of state employees has not grown since 1975 (see table 4), and a



trend of little or no growth in state employment might reasonably be expected to continue, especially in view of the public's concern over state spending. Exceptions will occur in areas where programs are expanded or new programs initiated.

It has proven extremely difficult to eliminate or even reduce existing programs. For this reason it seems unlikely state employment will show a substantial decrease from current levels.

But collective bargaining is new to Illinois, and its impact on the wages and salaries of state employees will largely determine the growth in spending for operating and managing state government. If total state spending is held to some predetermined total each year, as under a spending limit, the larger the wage increase for state employees, the fewer dollars available for other state spending. This fact alone creates substantial pressure for "reasonable" wage settlements in the future.

State spending for education, which is almost 40 per cent of the general funds budget, will be influenced, at all levels, by the projected trend for school enrollments. The decline in school enrollments, which began in 1971, is expected to continue for another decade (see table 5).

Although the decline in the number of students and teachers will continue, this alone does not mean that education's "claim" on the budget will lessen. New arguments for increased spending will develop; new programs will be developed. As the growth in funding for general state aid slows, funding for other education programs not based on enrollment is increased. Overall, education interests will struggle to keep education spending a relatively constant proportion of the state budget.

The long-term spending trend for public aid remains a wildcard. Spending for public aid is the second largest item in the budget (30 per cent), and funding is "open-ended," since the state must pay all eligible applicants. Since public aid funding levels are influenced by economic growth, funding levels can vary dramatically from year to year moving with the economic cycle.

The caseload trend for almost the last three years has been one of near steady decline with a caseload drop of 4 per cent. Table 6 puts this drop into perspective by showing the overall growth in cases since 1955.

It is still too soon to tell whether the declining caseload is due primarily to economic growth (expanding employment opportunities) and/or a fundamental trend, such as a change in net Illinois migration, fewer women of child bearing age and change in divorce rates. Continuation of the downward trend is essential if the growth in total state spending is to be kept in line with economic growth.

However, the experience during the 1975 recession demonstrates how rapidly the caseload can change with the economy. As the economy lost steam, caseload grew by 11 per cent from November 1974 to October 1975.

## High health service rates

The spending outlook for the health component of public aid — medicaid — is not especially encouraging. Medicaid spending (17 per cent of the budget) continues to advance rapidly, one reason being that health care costs are rising at an annual average rate of 10 per cent, while the average annual inflation generally is increasing at a rate of 8 per cent.

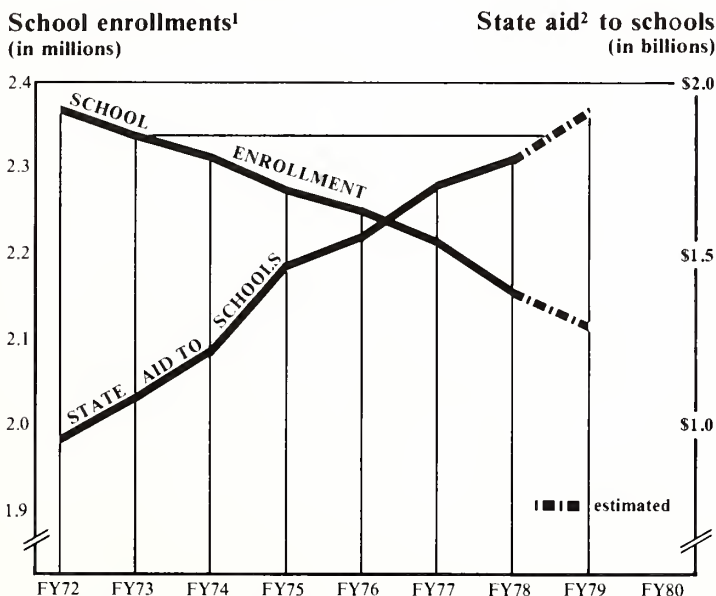
Management control over the costs of health care provided to public aid recipients and low-income families has

become an essential task. Review and setting of the rates for health services charged to the state by health providers has become one of the most important areas of management control in the entire budget. The challenge is to design rates which fairly reflect costs to health care providers, but which are also part of an overall plan that discourages abuse and unnecessary cost increases. Controlling rates is also essential to allow spending growth in other areas of the budget, especially if the budget were to be tied to economic growth in the future.

## 'Automatic' funding

Each year the state income and sales taxes grow along with the economy and so, according to the formulas, does spending for state revenue sharing and public transportation. The growth in spending is "automatic" in that funding is not based upon an annual review of program need but rather upon revenue growth. This means that each year funding for these programs is first subtracted from revenue growth, and other programs then compete for a share of the remaining new revenues. Modification of the funding mechanism for these two programs would be hard to

Table 5 Enrollment declines, state aid increases



<sup>1</sup>Elementary and secondary schools.

<sup>2</sup>Includes school formula aid and categorical grants to elementary and secondary schools.

Source: Bureau of the Budget, Office of Planning, and Illinois Office of Education.

achieve.

Cities and counties in Illinois receive one-twelfth of the state's income tax receipts. The share for each unit of local government is determined by the proportion of its population to total state population. The state currently provides about \$180 million to local governments on a "no strings attached" basis.

The state subsidy for public transportation (general funds only) consists of about \$122 million for the Regional Transportation Authority (RTA) encompassing Cook, DuPage, Kane, Lake, McHenry and Will counties and \$12 million for downstate transportation systems. The RTA receives 3/32 of the sales tax collected in its six-county region while the downstate systems receive 1/32 of the sales tax collected.

## The costs of borrowing

The state borrows money through the sale of general obligation bonds to finance the construction needs of the state. First permitted in 1970 by the new state Constitution, general obligation bonds are sold so that it is not necessary to use current revenues to finance the construction. The theory is that construction projects, such as highways, school buildings and sewer systems, have many years of useful service and that the taxpayers who receive the benefits from the projects should be the ones who help pay for the projects. The repayment of the money loaned to the state is typically spread out over a 20-to-25-year period. Repayment consists of both a portion of the amount borrowed (principal) and the cost of borrowing (interest). Together interest and principal are called debt service.

The more the state builds, the more the state must borrow, and the greater the costs of debt service. State spending for debt service has been a high growth area of the budget, increasing three-fold in the last five years. In 1973 debt service costs from general funds were \$39 million rising to \$129 million last year. This rapid growth in spending has, of course, meant slower growth for other areas of the budget.

State appropriations for construction reached a peak of \$1.9 billion in 1976. Since that time appropriations for capital projects have been slowly reduced to \$1.4 billion in 1978. Bond sales have also dropped from a high of \$535 million in 1977 to about \$400 million in

1979. Consequently the growth in spending for debt service has also slowed.

In order to sell bonds at the lowest cost to taxpayers, the state must maintain a good credit rating. Currently Illinois has the highest rating possible (AAA). To maintain this rating the state must manage its finances carefully and control the amount of bonds sold each year. In turn, state spending for debt service will also be controlled. The outlook then is for somewhat slower growth in spending for debt service.

Spending for the state's pension systems (state employees, university personnel, teachers, legislators, judges) will grow in the future. Pension costs are tied to the method of funding, the number of retirees, the average income at retirement and cost-of-living adjustments. All of these underlying factors will put considerable upward pressure on spending for retirement. Even tight control over state employment will not appreciably change the trend to retirement spending for another 20-to-30 years.

## Future new demands

The single most important area where there is likely to be a "demand" for new services is the elderly. The elderly population is growing both in absolute numbers and as a percentage of the population (see table 7). This population increase may be translated into arguments for additional spending for programs for the elderly.

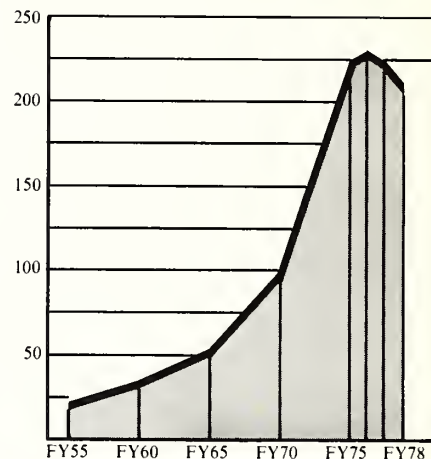
The pressures for new spending for the elderly are already in evidence. A new Department of Aging was created in 1973. Funding for the agency has risen from \$6 million in 1974 to \$39 million in 1979. This year a new program exists to provide home health care as an alternative to nursing home care. Property tax relief for the elderly, first enacted in 1972, has already been expanded six times. Other new programs for the elderly are likely to be demanded in coming years.

The statistics for education and the elderly can be used to illustrate an essential problem if state spending is to be effectively limited in future years. Will spending growth slow in areas where "need" is declining so that faster spending growth is possible in areas where "need" is growing?

Over the last quarter century state

Table 6

**Average monthly caseload,  
Aid to Families with  
Dependent Children  
(in thousands)**



Source: Illinois Department of Public Aid.

spending from the general funds has grown faster than the economy, and five major tax increases were required. In the last five years, however, a rough balance has been established between the growth in state spending and economic growth, and this trend suggests some hopeful possibilities for the future fiscal situation in Illinois. Among existing state programs, the spending outlook for only a few programs will likely determine how fast state spending will increase in the future.

The growth in state employment has slowed, suggesting stable growth in the future for spending for operating state government. School enrollments have decreased for the last 10 years and are expected to decrease for another 10 years. This trend has implications for spending for elementary schools, high schools and state universities. Public aid caseloads will likely not increase at the very high rates of the 1960s and early 1970s. Continued inflation in costs for health care will, however, push up medicaid spending, offsetting any slower increase in income assistance. In any case, public aid spending should not increase as fast in the years ahead unless the economy does not perform.

The number and percentage of elderly in the Illinois population are increasing rapidly suggesting that "demands" for state provided services will also increase. Formula driven increases in spending for local governments and public transportation may be hard to



slow. The rapid growth in spending for debt service has already been slowed, and fear of the state losing its AAA rating helps to provide a check on capital spending. Spending for retirement will continue to increase rapidly.

Two other "new" programs have the potential for spending growth of the type that can unbalance future budgets — special education and in-home health care. Future funding levels for special education (Illinois has adopted new federal guidelines) and for in-home health care, unfortunately, are not yet clear. The programs are still not understood well enough to accurately judge how many new dollars will be needed.

With these trends in mind the outlook for state spending could be constructed by adding together the expected costs of the individual programs. In the past this procedure frequently resulted in state spending which exceeded revenues. More revenues were then found.

## New approach

But the dominant mood today, quite clearly, is for a different approach to determine spending. One expression of this mood is the spending limits which have been adopted in several states. A spending limit begins with total spending determined at the outset, and spending for individual programs is then determined on a priority basis.

Theoretically, at least, this is an important difference from letting pro-

gram "needs" create total spending. In practice, however, if the balance between economic growth and spending growth is not a "natural" occurrence, taxes will increase whether or not a spending limit is adopted, because these limits usually contain emergency provisions to meet extraordinary circumstances.

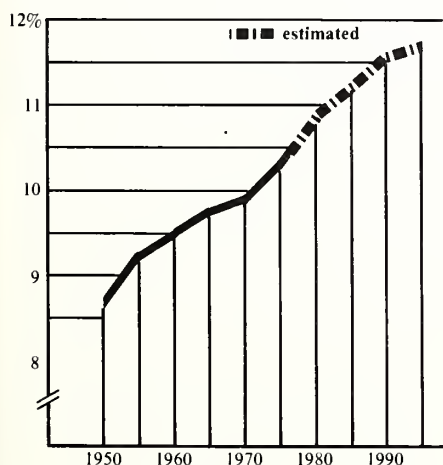
## Necessary conditions

In the end, then, it seems, the real clue to future state spending (and the need for new taxes) depends upon the outlook for the selected spending trends analyzed. In recent years the trends have been favorable and suggest that in coming years the growth in state spending can be held to the rate of economic growth if the following conditions prevail:

- Program areas with declining needs adjust to slower spending growth so that programs with increasing needs can expand. Simple as it sounds, this will be extraordinarily difficult as each of the relevant interest groups and state bureaucracies attempts to hang onto its share of the budget.
- The economy continues to grow. A prolonged recession might not only cut into revenue growth but it would cause public aid spending to increase rapidly.
- Only a very few new programs are enacted or none at all, if special education and/or in-home health care live up to their potential for high rates of spending increases.
- The cost of health care is controlled through rate review and auditing since health care represents about 25 per cent of the entire budget.
- The federal government does not fail to provide reimbursement for any new programs mandated for the states to provide.
- State government assumes no significant financial responsibilities now carried by local governments.

Many of these conditions are linked to national and even international trends over which Illinois lawmakers have little or no control. But rigorous analysis, careful planning and tough decisions can help to realize these necessary conditions. The people of Illinois may continue to enjoy quality educational systems, humane public aid programs and other important state services without the burden of additional taxes. □

**Table 7**  
**Percentage of elderly\***  
**in Illinois population**



\* Persons age 65 and over.  
Source: Bureau of the Budget,  
Office of Planning

# Property Tax

Anyone interested in exploring the property tax will find the articles published by *Illinois Issues* to be a good source of information on the subject. These articles present the facts on the issue from several valuable perspectives. Listed below are the selected articles and the issue in which they appear.

### June 1975

- **Assessment is the first step in property tax process and How to file an appeal if assessed unfairly**, both by Maurice W. Scott
- **Politics of equalizing the property tax** by Robert N. Schoeplein

### November 1975

- **Riding the tax reform rollercoaster** by Robert N. Schoeplein

### April 1977

- **Protecting farmlands by use-value assessments** by Carol King

### October 1977

- **Property tax for public schools: What's happened to the revenue source which once held the commanding role in school financing** by David V. May

### January 1978

- **Tax revolt in Cook County** by Dona P. Gerson

### March 1978

- **Property tax system merits reform** by Dennis W. and Jean H. Hostetler

### May 1978

- **Should the property tax be scrapped?** Special Debate by Dennis W. and Jean H. Hostetler and by Gerald R. Glaub

### August 1978

- **Tax bomb fallout in Illinois** by Gary Adkins
- **Illinois property tax revolution** by Ed McManus

### November 1978

- **Taxes and trades: Thompson v. Bakalls** by Gary Adkins

### December 1978

- **Illinois tax revolt — the 8% solution: Totten calls for limits on state revenues and property tax rates** by Charles L. Minert

### March 1979

- **Tax and spending limits: What other states are trying** by Gary E. Schmitz

Individual copies of the magazines are available for \$2.25 apiece. To order the months you want, use the special order card inserted in this *Annual*.

# Tax and spending limits: What other states are trying

WHILE California's Proposition 13 has received the most conspicuous coverage in the nation's media, it was not the first nor even the most comprehensive measure undertaken by a state to control its spending and the spending of its local governments. Three states — Colorado, New Jersey and Tennessee — instituted spending limits of various kinds before the California measure was enacted; and voters in 11 other states, including Illinois, have since expressed their opinions on proposals to either put restraints on property taxes or to impose limitations on spending and other taxes (see box).

Property tax rollbacks of the Proposition 13 variety were passed last November in Idaho and Nevada, while voters rejected similar measures in Michigan and Oregon. In Arizona, Hawaii, Michigan and Texas, voters approved measures to impose limits on taxes and spending by keeping them in line with general economic growth in those states. Similar measures were rejected in Colorado, Nebraska and Oregon, but voters in Missouri gave their legislators the authority to reduce property taxes, and those in South Dakota voted to require a two-thirds majority in their legislature to enact any increase in taxes.

State and local taxes have been taking a larger percentage of people's income during the last 15 years. The increase from 1960 through 1975 for state and local taxes is 303 per cent. During the same period, U.S. personal income has grown 213 per cent, the federal budget by 204 per cent and the Gross National Product by 197 per cent.

While the results of the voting on the

Thompson Proposition strongly indicate that the people of Illinois want a limitation on the growth of state and local government, it is not clear what form those limitations should take. The measures developed by other states provide a context in which to examine the alternatives, however, and four basic types of spending limitation plans emerge: the Tennessee plan, the Arizona plan, the Colorado constitutional plan and the Colorado statutory plan. These represent four basic methods that other states have employed to limit state and

local spending.

Since the limitation of state spending from state tax sources is the most common method of restraining government growth in other states, this analysis will focus on the implications of such measures for Illinois. It is not crucial to the analysis whether spending or taxes are limited, since the two are so closely related. From 1970 to 1977 Illinois tax revenue increased an average of 9 per cent per year, while spending from state sources increased an average of 10 per cent per year.

## Spending limits, property tax limits in other states

**ARIZONA** State spending is limited to 7% of total state personal income by a constitutional amendment proposed by the legislature and approved by Arizona voters November 1978 (effective for the fiscal year 1980 budget). The limit may be exceeded by two-thirds vote of the legislature. There is no provision for surplus revenue.

**COLORADO** (constitutional) Annual increases in state and local expenditures would have been limited to the percent increase in the consumer price index by a constitutional amendment proposed by initiative but rejected by voters November 1978. The limit could have been exceeded if approved by a majority of registered electors voting on the question in a special election. In an emergency, the limit could have been temporarily exceeded at the state level by the governor with consent of two-thirds of the legislature and at the local level by the executive officer with consent of two-thirds of the unit's legislative body. Any revenue surplus would have been placed in a surplus fund, and revenues in excess of 5% of the limit would have been used for tax reductions, credits or refunds.

**COLORADO** (statutory) State spending is limited to a 7% increase of the previous fiscal year by statute passed by the

legislature July 1, 1977, effective immediately. Presumably the legislature may amend the limit since it is statutory. Revenue increases over 7% and up to 11% go into a budget reserve fund; revenue increases over 11% must be returned to taxpayers as tax relief.

**HAWAII** State spending is limited to state economic growth by a constitutional measure drafted by the constitutional convention and approved by voters November 1978, effective for the fiscal 1980 budget. The limit may be exceeded by a two-thirds vote of the legislature. The legislature shall also provide for a tax refund or credit to taxpayers whenever the state general fund balance at the close of two successive fiscal years exceeds 5% of the general fund for each of the two fiscal years.

**IDAHO** Property tax is limited to 1% of "actual market value as determined by assessors," by a statutory provision proposed by initiative and approved by voters November 1978. Indications are that it will be effective for the 1980 assessments. A two-thirds vote of the legislature is needed to change taxes (which is inconsistent with the state constitution which requires a simple majority on tax matters). Approval of two-thirds of the voters is needed to increase property taxes.

**MICHIGAN** (Headlee) State revenue growth is limited to the growth of state personal income, and growth of local tax revenue is limited to growth of the U.S. consumer price index, by a constitutional amendment proposed by initiative and approved by voters November 1978, effective in fiscal year 1980. Limits may not be changed without approval of the majority of qualified

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All the states that have adopted or considered limitations on the growth of government have exempted federal aid from the limitation. This raises a potential problem because federal aid for specific programs may be withdrawn in the future. If and when this occurs, the state must either appropriate money for the program — subject to the spending limit — or the program must be dropped. Since it is difficult to completely abolish a program after it is begun, this provision may result in the state funding programs that would not have been started in the absence of federal aid.

## The basis of the limit

The Tennessee plan allows state spending to increase at the same rate as the growth of the state's economy. In Tennessee and other states with this type of limit, personal income has been established as the measure of growth of the state's economy. Analysis of the average annual increase in Illinois personal income, tax revenue and

**Table 1**  
**Illinois spending as a percentage of personal income**  
(millions)

Personal income (calendar year)	State spending (fiscal year)	Spending as % of personal income
1976 \$82,502	1977 \$5,611	6.80%
1975 75,666	1976 5,143	6.79
1974 69,396	1975 4,761	6.86
1973 64,833	1974 4,262	6.57
1972 57,829	1973 3,876	6.70
1971 53,400	1972 3,547	6.64
1970 50,131	1971 3,272	6.52
1969 47,340	1970 2,999	6.33

spending from tax sources during the period 1970-1976 shows that revenue and spending in Illinois are closely tied to the growth of personal income. Personal income of a state grows because of inflation and real economic growth (expansion in the level of goods and services). Illinois revenue is closely tied to personal income because the sales tax and the income tax, which combine to produce nearly two-thirds of the state's tax revenue, are both dependent on inflation and real growth in the

economy. Revenue from the sales tax increases as more goods are purchased (real economic growth) and as the price of the goods rises (inflation). Income tax revenue goes up as more people are employed (real economic growth) and as individual wages rise (inflation or productivity increases).

The figures in table 1 show that the adoption of a Tennessee-type spending limitation in Illinois would not have greatly affected the state's spending since 1970, primarily because Illinois adopted no new taxes during this period. After Illinois adopted the income tax, revenue and spending increased 48 per cent in one year, 1969 to 1970, while personal income increased 6 per cent. The adoption of the Tennessee-type limitation would prevent Illinois from levying any new taxes, or increasing the rates of existing taxes. But as long as the tax system is not altered in Illinois, state spending is already closely tied to personal income in the state.

This type of limitation plan causes some problems because personal in-

electors, or in emergency situations, by request of the governor and two-thirds vote of the legislature. Revenue in excess of the limit shall be returned to taxpayers based on prorated income tax payment.

**MICHIGAN** (Tisch) Current property tax assessments would have been reduced from 50 to 25% of market value; annual assessment increases would have been limited to 2.5%; the state income tax would have been allowed to increase from 4.6 to 5.6%; and a 1% local income tax would have been allowed. This was proposed by a constitutional amendment proposed by initiative which was defeated by voters November 1978. There were no provisions for excess revenue.

**MISSOURI** The legislature is authorized to roll back property taxes in the event of inflating assessments, by a constitutional amendment proposed by the legislature and approved by the voters November 1978, effective 60 days after approval.

**NEBRASKA** Increases in local government budgets would have been limited to 5% per year unless population increases exceeded 5%. This constitutional amendment proposed by initiative was rejected by voters November 1978. The limits could have been exceeded by a four-fifths vote of the legislature or a majority vote on the question in a local government district.

**NEVADA** Property tax is limited to 1% of full cash value based on appraised value for the fiscal year beginning July 1, 1975, by a constitutional amendment proposed by initiative and approved by voters November 1978. It must again be approved by voters in 1980 to be effective for 1980 assessments for taxes payable in 1981. The amendment also pro-

vides that increases in assessed valuation are limited to 2%, and the limits may be overridden by a two-thirds vote of the legislature or two-thirds of the voters voting in a special election. Any tax increases or new taxes must be approved by a two-thirds vote of the legislature.

**NEW JERSEY** State spending increases are limited to growth in personal income, and county and municipal spending increases are limited to 5% per year, by statute drafted and approved by the legislature in 1976, effective for the state budget of fiscal 1978 and for local budgets for calendar year 1977. There are no provisions for overriding the state limit or for handling surplus state revenues. The local limit may be overridden by a simple majority vote in the next election of the local unit.

**OREGON** Property tax would have been limited to 1.5% of 1975 assessed valuation, and assessments would have been allowed to rise only 2%, by a constitutional amendment proposed by initiative but rejected by voters November 1978. Closely patterned after California's Proposition 13, the amendment provided that a two-thirds vote of the legislature was needed for new or increased state taxes, and a two-thirds vote of the voters was needed for special local taxes.

**OREGON** State spending would have been limited to 95% of the previous budget, after which state spending would have been tied to personal income, by a constitutional amendment proposed by the legislature but rejected by voters November 1978. The amendment would have limited local government spending to the increase in the consumer price index, adjusted for population change. It

also called for the state to finance a 50% reduction in residential personal property tax up to a limit of \$1,500; relief was also provided for renters. To override the state spending limit, two-thirds vote of the legislature was required; to exceed the property tax limit, approval by voters was required. If the balance in revenues available for state government operating expenses was to exceed spending by 2% or more, the excess would have been distributed to those paying income tax.

**SOUTH DAKOTA** To increase any state or property taxes, a two-thirds vote of the legislature is required by a constitutional amendment proposed by the legislature and approved by voters November 1978, effective immediately.

**TENNESSEE** State spending cannot increase faster than the state economy, according to a constitutional amendment drafted in August 1977 by the state constitutional convention and approved by voters March 7, 1978, and effective for fiscal year 1979 budget. Spending limits may be exceeded by a simple majority of the legislature. There is no provision for excess revenue.

**TEXAS** State spending increases are limited to the rate of economic growth, and property tax levies cannot be increased, according to a constitutional amendment drafted by a special session of the legislature and approved by voters November 1978. It is effective immediately, but legislators still must define economic growth. The state spending limit may be overridden by a majority vote of both legislative houses. To increase property tax levies, a local governing body must hold a public hearing. There is no provision for surplus funds.

come must be estimated. In Tennessee, the state legislature voted to use the estimates of state personal income determined by the Tennessee Econometric Model developed at the University of Tennessee. In Arizona, the legislature established an Economic Estimates Commission which is required to publish final estimates of personal income in the state. The accuracy of these estimates is important since the level of state services is dependent on them.

The Arizona-type spending limitation plan requires that state spending may not exceed a fixed percentage of state personal income. Table 2 shows the relationship between Illinois personal income compared to spending from tax revenue. State appropriations from tax sources have been between 6 and 7 per cent of state personal income from 1970 to 1977, which emphasizes the stable relationship between Illinois personal income and spending.

The principle difference between the Arizona plan and the Tennessee plan is the flexibility of the former. The Tennessee plan assures that spending in the future must remain at the same percentage of state personal income as when the limitation is put into effect. The Arizona plan would allow for changes in this percentage. For example, if Illinois implemented an Arizona-type plan with spending limited to 6 per cent of personal income, state spending would have to be reduced until it reaches 6 per cent of personal income. This could occur through cuts in state spending, increases in personal income, or a combination of the two. State spending could increase in relation to personal income if an 8 per cent limit were adopted. After these adjustments were complete, state spending could again increase as personal income increases.

A Colorado constitutional amendment to limit spending was rejected by voters in November. It would have allowed spending to increase at the same rate as the rate of increase in the consumer price index. Table 2 shows the percentage increase in the consumer price index, compared to the percentage increase in state spending from 1970 to 1977 in Illinois. Table 2 shows that state spending from tax revenue in Illinois increased more than the increase in the consumer price index for every year since 1970. If implemented in Illinois, this Colorado constitutional proposal

(as opposed to Colorado statutory limit) would allow state spending to keep pace with inflation, but no new programs could be added without cutting some existing program.

As long as there is real growth (expansion in the level of goods and services) in a state's economy, this Colorado constitutional limit is more restrictive than the Tennessee plan. The Colorado plan does not allow state spending to grow in response to real economic growth. The Arizona plan may initially be more or less restrictive than the Colorado constitutional plan, depending on what percentage of personal income is established as the limit.

In implementing a Colorado constitutional type restriction there is a problem in obtaining estimates for the percentage change in the consumer price index. The Colorado constitutional plan provided that spending increases in a calendar year beginning in June were based on the percentage increase in the consumer price index in the previous full calendar year. The selection of this basis would have enabled the state to know six months in advance of the beginning of the next fiscal year what increase in expenditures would have been permitted.

The Colorado statutory plan limits appropriation increases to 7 per cent over the previous year. Since this Colorado statutory limit does not take into account economic conditions in the state, the choice of the constant percentage limitation becomes very important. If the increase is less than the average annual rate of inflation, about 7 per cent in recent years, state spending will not keep up with increasing costs.

This type of plan has characteristics

which make it particularly attractive as a method of limiting the growth of local government spending. Since spending is limited to a fixed percentage increase per year, there are no complications in estimating personal income or price changes in the area of local governments. Although this plan is less flexible than the other three plans, local units of government would know their future maximum levels of spending with complete certainty. By allowing small increases in local government spending (3 to 5 per cent), large increases in the property tax may be avoided.

## Excess revenue

Limitations on the growth of government activities are generally directed at restrictions on spending. Since the tax system is not changed, a growing economy may produce tax revenue in excess of the spending limit. This is particularly true if restrictive spending limits such as the Colorado statutory or Colorado constitutional plans are adopted since economic growth is not considered in establishing the limit.

The Colorado statutory plan addresses this problem of excess revenue. Tax revenues in excess of the spending limit are deposited in a reserve fund to be used in case of emergencies, or to finance state operations in case of a downturn in economic activity and a fall in tax revenue. To spend money from this fund, the approval of two-thirds of both houses of the legislature and the consent of the governor are required. Most plans specify a maximum dollar amount that can be maintained in the reserve fund, but the Colorado statutory plan provides that the fund cannot contain revenue in excess of 4 per cent of the previous general fund budget.

Tax revenue in excess of 4 per cent of the Colorado general fund budget must be returned to the taxpayers in the form of tax relief. During 1978 Colorado taxpayers received \$65 million in income tax relief and \$35 million in property tax relief. The steeply graduated income tax in Colorado combined with the restrictive 7 per cent limit on spending increases per year produced this tax revenue surplus in Colorado. Since Illinois' flat rate income tax would not cause tax revenue to increase as fast as Colorado's graduated income tax, Illinois taxpayers should not expect similar tax relief from surplus revenues.

**Table 2**  
**Change in consumer price index (CPI) compared to change in spending\***

Period	% change in CPI (calendar year)	% change in spending (fiscal year)
1970-71	4.30%	10.32%
1971-72	3.30	9.57
1972-73	6.22	8.79
1973-74	10.97	13.13
1974-75	9.14	12.26
1975-76	5.77	7.48
1976-77	6.45	8.86

*\*The consumer price index for a calendar year is compared to spending in the fiscal year beginning July 1 of the calendar year.*



This would especially hold if Illinois did not adopt a restrictive plan like Colorado's present statutory plan.

## Exceeding the limit

All the spending limitation plans contain an "escape clause" which allows the limit to be exceeded in case of emergency. The Tennessee plan provides for the most flexible escape clause: the limitation may be set aside for one year at a time by a simple majority vote of the two houses of the state legislature. The Arizona plan requires the affirmative vote of two-thirds of both houses of the legislature to exceed the limit. The Colorado constitutional plan provides that the limitation on expenditures for local government units could be exceeded by approval of a majority of electors voting at a special election, or by the declaration of an emergency by two-thirds of the governing body of a local unit and its chief executive officer. An emergency could be declared at the state level with the agreement of the governor and two-thirds of the members of both chambers of the Colorado legislature.

## Intergovernmental relations

Although all spending limitation plans exclude federal funds from the limitation, federally mandated programs could cause problems. If a federal mandate requires state or local governments to undertake a specific program and provides the financing of the program, this spending would not be charged against the limitation. But if the federal government does not fully fund the mandated program, the state or local funds used would be subject to the spending limitation.

The Tennessee spending limitation, which applies only to the state level, could be a problem as the state approaches its spending limit. If new programs are being demanded at the same time, the state may require they be funded by local governments. This would put severe pressure on the chief source of local revenue — the property tax. In response to this problem, the Tennessee constitutional limit requires the state to "share" in the costs of new programs it imposes on local governments. In adopting a limitation applied only to state spending, it may be useful to require full funding by the state of

programs required by local governments. This would avoid increasing the pressure on local property taxes and would more effectively limit state and local spending.

The proposed constitutional limit in Colorado applied to the spending of both the state and local government. The plan also included a unique provision that could cause problems relating to state mandated programs. The plan would require the state to fully fund any new state mandated costs, and the mandated monies would be subject to the state spending limit. Although any state mandate would be entirely funded by state government, such monies would also affect the local governmental unit's spending limitation. The effect of this provision is that spending for state mandated programs is included under both the state and local limit. This double counting under the Colorado constitutional plan also would result in local governments being faced with the dilemma of reducing other services in order to implement state mandated programs, unless a change in spending were approved at a special election.

Nebraska voters turned down a proposal to limit local spending increases to 5 per cent per year. An effective local limit of this type is an attempt to reduce the large increases in property taxes, which were partially responsible for the success of Proposition 13 and the beginning of the national "tax revolt." Proposals that limit local spending but ignore state spending may not result in a reduction in total state and local spending, but may shift future increases to the state level, thereby increasing the centralization of government.

## Debt limits

It is difficult to predict the long-run consequences of taxing and spending limitations because the oldest state limitations have been in effect for less than two years. However, an examination of the history of Illinois' experience with debt limitations may point out some unexpected results of constitutional restrictions. Under the 1870 Illinois Constitution, state debt could not exceed \$250,000 (except to defend the state from invasion or war). This limitation was not effective; by 1970 Illinois had incurred \$1.3 billion in debt, of which more than \$1 billion was in

revenue bonds used to evade the constitutional restriction. These revenue bonds were not backed by the full borrowing power of the state, and their interest rate was  $\frac{1}{4}$  to  $\frac{1}{2}$  per cent higher than on general obligation bonds. The final result of the constitutional restriction on state debt was an increase in the cost of debt service for the State of Illinois.

To be sure, the four types of spending limits discussed in this article are more flexible than the former, flat \$250,000 state debt limit, but there could be

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No one knows what tax and spending limits will do.

Limits at the state and local levels might increase federal power — or drive government out of services like education

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similar long-run changes in spending patterns to evade the spending limits. State services which are presently funded by state tax money could be funded by user charges. Effective spending limitations on state and local governments may cause new programs to be undertaken at the federal level, speeding up the centralization of government, and causing federal spending and taxes to increase. An effective limit on federal, state and local spending could mean that in the long run services such as education and transportation may no longer be affordable to government and may instead be provided by private companies operating for profit. Spending limitations will not cause the demand for new services to disappear, but may result in these services being provided by different organizations in the future.

One's view of tax and spending limitations depends on his view of the proper role of scope of government. Economist Milton Friedman believes government is the cause of most of the problems in society, and he "is in favor of tax cuts under any circumstances." On the other hand, economist Walter Heller believes that tax limits cannot deal with issues of fairness and equity in taxation and efficiency of government. □



# YES YES YES YES YES YES YES YES

## Should the property

THE property tax system in Illinois has so many inequities and consequent distortions in the distribution of the tax burden that it should not be retained in its present form.

This indictment is made regretfully since the property tax has been the mainstay of local government finance and has important advantages such as its ability to tax accumulated wealth not reached by the sales or income tax and its prodigious revenue raising capability. Nevertheless, the Illinois taxpayer should not be asked to tolerate the widespread and persistent inequities of the present system. The costs of poor administration are frequently hidden, but they are nonetheless real.

To the average taxpayer, the property tax is the most disliked and the most unfair of the major taxes according to polls conducted by the federal Advisory Commission on Intergovernmental Relations. When people were asked "Which do you think is the worst tax — that is, the least fair?" and given a choice among the federal income tax, the state income tax, the state sales tax and the local property tax, the largest percentage chose the property tax as being the worst tax.

Is the public's distrust of the property tax system justified? Studies of the quality of assessment show that it is.

Under Illinois law, the assessments

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upon which tax bills are calculated should be set at a uniform percentage of market value. If assessments are uniform, each taxpayer will bear a portion of the tax burden proportional to the value of his property. Obviously, if assessments are not uniform, the tax burden will be distributed unfairly.

Comparisons of assessments to sales prices give evidence of widespread patterns of inequity. Underassessment is common. Many assessors are unwilling or unable to make assessments keep pace with rapidly changing market values. Worse than general underassessment are the systematic biases in assessments. Low valued properties tend to be assessed at higher percentages of market value than high valued properties, thus exacerbating the regressive tendencies of the property tax. New homes tend to be assessed higher than older homes. Properties that sell frequently are likely to be assessed higher than properties which do not turn over.

In addition to these systematic biases, many assessment jurisdictions show evidence of a high degree of random variation in assessments caused by neglect or inadequate assessment tools.

If the primary problem with the property tax is inequitable assessment, should the solution not lie in assessment reform? Unfortunately, past experiences in Illinois have shown that assessment reform is unlikely to have more than a transitory effect (see *Illinois Issues*, March 1978). Brief flurries of activity are succeeded by gradual returns to neglect and inequity. The administrative structure of the property tax and the political environment in which it operates are so intertwined as to make assessment reform difficult.

Studies of efforts to achieve good assessments show the obstacles reformers face. In response to increased legislative and public attention to

assessment inequities, some supervisors of assessments and assessors have made heroic efforts to improve assessment quality in their jurisdictions. Typically their work has aroused resistance and hostility.

Some taxpayers tend to resist reassessment even when it is necessary to reduce inequities. They fear that in inflationary times, new assessments are generally higher assessments and that the taxing districts' pressures for more revenues will translate higher assessments into higher tax bills.

If other local officials are not convinced of the necessity for the reassessment, then political infighting may result, and in some instances efforts have been made to remove the assessing official who initiated the reassessment.

Individuals or groups who have been underassessed in the past are especially vehement in their opposition. If they cannot stop the reassessment on the local level, they may resort to judicial action or move their lobbying efforts to a higher level of government. In some cases they have succeeded in having their underassessed status legislatively legitimized.

Moreover, even when they are implemented, reassessments are usually costly. In the absence of a strong public demand for reform, local officials may prefer inexpensive inequities to high priced reforms.

Finally, maintenance of the gains in equity from a reassessment is difficult. Without a continuing reassessment program, a few years of changing real estate values can destroy the newly gained uniformity.

Why is assessment reform so difficult to accomplish?

One problem is that the incentive structure rewards inaction. Assessing officials collect the same salary whether

*Continued at bottom of page 74.*



NO NO NO NO NO NO NO  
NO NO NO NO NO NO NO

## tax be scrapped?

A FRIEND of mine argues that the elimination of taxes on real property would drive up interest rates on government securities. The wealthy, he says, would sell off their tax-exempt municipal bonds and put their money in tax-exempt real estate.

My friend's argument is not among those typically advanced in defending the property tax. Apart from the humor it evokes, however, his analysis raises important questions about the role of real property in both the economy and the tax structure.

These questions need to be examined lest we fall into the easy trap of turning too ferociously on the hapless property tax, which is a tempting target for fiscal reformers. We are told, for example, that the property tax is unfair, unpopular and unworkable. Therefore, the arguments go, property taxes ought to be replaced with the fairest of all taxes — the income tax.

Even my friend who worries about the spiraling cost of government borrowing would join me in rejecting this proposition. More significantly, the citizens of five states\* who were given the opportunity to switch from property taxes to income taxes have also voted "no." Given these precedents, there are sound reasons why Illinois should not and cannot abandon the property tax.

One of the most common arguments against the property tax is that public opinion is against it. Some people say the public prefers an income tax because "the people over in the next township don't pay nearly as much property tax as we do." Actually, the only preferred tax of any kind is one levied on someone else. Taxes in general are so despised that it's splitting hairs to say that one is preferred over another. As the five states

mentioned earlier should demonstrate, the only thing we can say for certain about taxpayers is that they prefer the known to the unknown. If the political community is interested in good public relations per se, it will find some way to make property taxes payable in weekly or monthly installments — the way we pay our income taxes — rather than undertake drastic changes in our system of taxation.

More specifically, critics cite at least three inequities in the property tax. First, they argue that the property tax is regressive because everyone — rich or poor — pays at the same rate. Actually, the property tax is no more regressive than the sales tax or the flat-rate income tax. In fact, it is probably less regressive except for its effects on a few poor souls who, like Nelson Rockefeller, have a lot of taxable property but no taxable income.

Another argument of this sort contends that property taxes are inequitable because people in Community A pay higher (or lower) taxes than those in Community B. This is true, but does it have anything to do with the inherent fairness of the tax? If we were to evaluate the income tax by the same standards as the tobacco tax, we would probably conclude that the income tax is inequitable because we all pay it but don't benefit equally from its largesse. Likewise, it makes no sense to judge the property tax by the same criteria as the income tax. They are unlike in many respects — including the purposes they serve and the manner in which rates are set.

Actually, property taxes represent just one part of a comprehensive tax program. It is probably impossible to devise a single tax that is fair to everyone. Rather, to be equitable, a tax program must reach many forms and sources of wealth. Being the most

enduring source of material wealth on earth, real property cannot be ignored. Even a hovel down by the river has value that appreciates with time. Whether the person living in that hovel can afford to pay taxes is not an issue, in my opinion, because low income is not a problem that can be solved by eliminating the property tax. Experience shows that tax breaks on deteriorating property simply lead to exploitation by absentee owners. Property must be treated as both a source and measure of wealth, and the problems of the poor and the aged should be addressed through more appropriate channels.

The second inequity cited is that the property-poor community must tax at exorbitant rates in order to provide the same level of services as the wealthy community. And of course there is a direct correlation between tax revenues and level of services. But the same relationship would exist with a local income tax or sales tax. This is not a matter that can be resolved by eliminating or restricting the property tax. It's a matter of much broader public policy, namely: should citizens establish, finance and control their own local services or should state and federal governments do it for them?

The third inequity cited by critics of property taxation involves the lack of uniformity in setting property values and the corresponding differences in rates among communities. Because state and federal financial assistance is often based on local wealth or local tax rates, this is a compelling argument. Uniformity of assessments is essential, for example, because school aid in Illinois is

*Continued at top of page 74.*

GERALD R. GLAUB  
Director of communications  
for the Illinois Association of School  
Boards, he is also editor of the *Illinois  
School Board Journal*.



Photo by Jerry Mennenga

\*Voters in California, Colorado, Michigan and Oregon defeated proposed constitutional amendments in 1972. Voters in Washington followed suit the next year.

# NO

By GERALD R. GLAUB

*Continued from page 72.*

funneled in largest amounts to districts with low property assessments and high tax rates. Unless assessments are reasonably equitable, the taxpayers in County A unfairly subsidize the school system of people in County B, where appraisals are artificially low. But, this problem can be addressed without taking the drastic measure of eliminating property taxes completely. If it's possible to levy a federal income tax in an equitable manner, it ought to be possible to do the same with property taxes on a statewide basis. It's simply a matter

of enforcement.

A more important question, however, is whether property is the only measure of wealth available for determining eligibility for state or federal aid. It would probably make more sense to base such funding (e.g., school aid) on some other measure of need, such as income.

The most powerful argument for keeping the property tax is, quite simply, that Illinois governments can't do without it. The property tax produces as much as the sales tax and the state income tax combined. The income tax would have to be tripled to take the place of the property tax. Moreover, the property tax doesn't fluctuate with changes in the economy in the way that the income tax does because property

values tend to increase gradually but steadily. Like any consumer, local governments need revenue growth. Dependence upon state funding just about insures periods of famine combined with occasional feasts. The property tax lends itself to orderly growth — or it would if the legislature would set effective machinery in motion, see that the tax is properly administered and stop making concessions to special groups of taxpayers.

It may be theoretically possible for the legislature to enact an income tax replacement for the property tax, but the chances are slim and the results could be chaotic.

Of course, some of us value local discretion more than others. But some people believe that equality increases as

# YES

By JEAN and DENNIS HOSTETLER

*Continued from page 73.*

their jurisdictions are assessed well or poorly. Clearly, those officials who do not rock the boat may be more likely to be retained in their positions. The job is certainly easier for the official who is content to let inequities accumulate.

Another characteristic of the assessment system making reform difficult is the involvement of different levels of government. While administrative reform of a state tax involves only different branches of the state government, property tax reform requires a consensus among state agencies, county officials and township officials.

The historical tie of property taxes with local governmental autonomy also hinders reform. Any proposals involving consolidation of assessment districts or transference of functions to a higher level of government evoke opposition from groups who fear any loss of local control.

A final but significant factor is the lack of public support for tax reform. This may seem paradoxical since public trust in the property tax is so low. Nevertheless, the taxpayer's distrust of the property tax is infrequently translated into overt demands for reform. First, few taxpayers realize the full extent of assessment inequities. Secondly, taxpayers are aware that reform and reassessment often mean higher taxes. Given this dilemma, many taxpayers

choose to tolerate inequities.

If the taxpayers are not actually in revolt, why not let the present system continue? The current policy of muddling through with occasional bandaid reforms is attractive because it demands the least choices. Nevertheless, policy makers should consider fundamental revisions for several reasons.

The Illinois Constitution requires assessment uniformity. This is the system citizens voted for when they approved the Constitution. The lack of taxpayer support for assessment reform stems not from an abandonment of the principle of uniformity, but from ignorance and a fear of higher taxes. The public's elected representatives have a responsibility to work toward meaningful reform or toward a complete change in the system instead of an ostrich-like tolerance of the wide discrepancy between law and practice.

Long acquaintanceship has blunted the taxpayer's sensitivity to assessment inequities. The distortions caused by the inequities are nonetheless serious. The approximately one-and-one-half billion dollars in state aid to schools is distributed according to a formula which includes assessed valuation per pupil as a component. Systematic patterns of over- and underassessment distort the allocation of this aid.

Variations in assessments also affect individual tax bills. Studies of 1975 assessments show that in 75 counties the average variation from the median assessment level is 30 per cent or more. This means that a taxpayer could expect to have a tax bill 30 per cent higher or

lower than another taxpayer who owns a property of similar value. Since taxpayers are unlikely to make a study of market values and tax bills, these inequities are usually undetected.

Although taxpayers may lack specific knowledge, they have encountered enough publicity on assessment problems in the media and through legislative investigations to validate their distrust of this form of taxation. Since the property tax is so intimately tied to local governments, the lack of support for this tax may eventually spill over into a lack of support for the principle of local government.

Finally, the patchwork tax relief and reform efforts which are legislated as escape valves for the mounting dissatisfaction with the property tax may worsen the situation in the long run. Assessing officials, heavily burdened with the details of administering a variety of narrowly focused programs, too often find their energies and resources deflected from their basic task of establishing equitable assessments.

Although incrementalism and gradual change accurately describe the decisionmaking process in many policy areas, experiences in Illinois and other states indicate that significant changes in property tax administration are most often accomplished in a crisis atmosphere. Recent history reveals two typical crisis scenarios which can lead to significant changes in property tax laws.

In one scenario the courts are catalysts of reform. A properly framed lawsuit can expose discrepancies between assessment law and practice to



decisions are made at increasingly higher levels of government. What it boils down to is that the property tax and those who control it are associated with fiscal conservatism by those who want more government and with wild spending by those who want less. Regardless of what is taxed (property, sales or income), local governing bodies will have to retain substantial control over the amounts levied and spent. Otherwise, local officials can't be held responsible for either spending levels or the results. Waste can result when local governments are given a free hand with money they don't have to account for to local voters. It seems obvious that local government will be most accountable when it has to answer for tax levels and the quality of its services. Where the

judicial notice, and the courts can order existing laws to be enforced. Illinois, Georgia, New Jersey, Kentucky, Florida and Washington have had to raise assessments considerably to comply with legal standards. Frequently the publicity accompanying the court action and the rapid increase in assessments sparks additional reform efforts going beyond the direct court mandate such as increased professionalization of the assessment process, stronger state supervision and increased tax relief for taxpayers especially hard hit by the assessment increases.

In the second typical crisis scenario, the impetus for change arises from a taxpayers' revolt. Although the taxpayer is generally apathetic about property tax inequities, his underlying distrust of the property tax can be mobilized for brief periods under the proper conditions. A sufficiently broad based taxpayers' revolt, even if short-lived, can produce legislative action. In this scenario the response is generally slanted toward tax relief measures designed to reduce tax burdens, with less emphasis on reforms directed at improving the equity of tax administration. Since 1970 fourteen states and the District of Columbia have applied new controls on local taxing or spending powers in order to put the brakes on rising property taxes. Increasingly, limitations on expenditures or levies are supplementing or replacing more traditional rate limits which have provided little protection to the taxpayer during periods of rising real estate values and higher assessments. The recent move-

legislature is raising the money, you can be sure the legislature will carefully regulate how it's spent. School districts are learning this in a slow but painful manner.

Taxation plays a dual role in America. It provides revenue to pay for services. It also helps regulate the acquisition of wealth and the investment of capital. What's taxed and what isn't frequently influence who invests what and where. Real estate is already a major source of income as well as a relatively safe long-term investment for those interested in capital growth. To ignore the role that property taxes play in stabilizing prices and in reaching sources of wealth would be to leave a gaping hole in the nation's overall tax program.□

ment in California to limit the total property tax rate to 1 per cent of market value is an extreme example of this type of crisis situation. (In Illinois tax rates are approximately 2 to 8 per cent of assessed value or 2 to 3 per cent of market value.)

Limitations on local governmental use of the property tax create pressure for alternative revenue sources. Local revenue diversification is proceeding slowly. Finding a tax or combination of taxes which can be equitably administered and which have relatively neutral economic effects is not easy. Locally administered sales or income taxes can create administrative nightmares and undesirable economic consequences. Other revenue sources such as selective sales taxes, license fees or user fees allow for diversification, but are insufficiently productive to allow significant property tax relief.

Perhaps the most realistic options are an increase in the present state administered local sales tax or the introduction of a similar "piggyback" income tax in which the state would increase the state income tax and return a fixed percentage to local governments. These options may not be attractive to local government advocates who fear further erosion of local control. Nevertheless, if neither local governments nor the state legislature can reform the property tax, a shift to more equitably administered taxes at the state level may paradoxically be the best method of restoring public trust and support in the financing of local government and in local government itself.□

# Property Tax

Anyone interested in exploring the property tax will find the articles published by *Illinois Issues* to be a good source of information on the subject. These articles present the facts on the issue from several valuable perspectives. Listed below are the selected articles and the issue in which they appear.

## June 1975

- **Assessment is the first step in property tax process and How to file an appeal if assessed unfairly**, both by Maurice W. Scott
- **Politics of equalizing the property tax** by Robert N. Schoeplein

## November 1975

- **Riding the tax reform rollercoaster** by Robert N. Schoeplein

## April 1977

- **Protecting farmhands by use-value assessments** by Carol King

## October 1977

- **Property tax for public schools: What's happened to the revenue source which once held the commanding role in school financing** by David V. May

## January 1978

- **Tax revolt in Cook County** by Dona P. Gerson

## March 1978

- **Property tax system merits reform** by Dennis W. and Jean H. Hostettler

## May 1978

- **Should the property tax be scrapped?** Special Debate by Dennis W. and Jean H. Hostettler and by Gerald R. Glaub

## August 1978

- **Tax bomb fallout in Illinois** by Gary Adkins
- **Illinois property tax revolution** by Ed McManus

## November 1978

- **Taxes and tirades: Thompson v. Bakalis** by Gary Adkins

## December 1978

- **Illinois tax revolt — the 8% solution: Totten calls for limits on state revenues and property tax rates** by Charles L. Minert

## March 1979

- **Tax and spending limits: What other states are trying** by Gary E. Schmitz

Individual copies of the magazines are available for \$2.25 apiece. To order the months you want, use the special order card inserted in this *Annual*.

## Competing with state-supported schools for a shrinking student population

# Will private colleges survive?

ONE of the best-loved stories of the Old Testament is the one about the little Jewish boy and his contest with the big bad Philistine. Even people who no longer read the Bible know how Goliath taunted the Israelites and dared them to pick a champion and to send him out to do battle with the giant. And they remember that David accepted the challenge; maybe they don't remember the defiant words young David flung out to his opponent, but they do remember the slingshot and the pebble and how little David saved his people from death and destruction and slavery.

This contest and its comforting message are part of our mythic heritage. We want to believe that size is not everything in this bloated impersonal world of calculators and computers. But the myth may also lull us into a sense of security that is not justified, a certainty that little Davids always triumph. During the past few years I have been examining the history of one little David, Illinois College in Jacksonville, where I have spent most of my teaching career since 1939. Illinois College will celebrate its sesquicentennial in 1979 and in preparing a new history for the occasion, I have been reading over the college's significant documents, especially those relating to the crises of survival that have occurred with cyclical regularity since 1829. There is surely a touch of the miraculous in the outcome of some of those struggles, so there is good reason why our alumni and friends appear to have bought the David and Goliath explanation. I have recorded hundreds of hours of conversation with

former students and faculty, administrators and friends. Their recollections and their points of view vary considerably, but there is one note that is struck in almost every one of them. The nation continues to need small, independent colleges. More than ever.

I am pleased to hear this, but when I have asked whether these same people think that Illinois College and others like it will survive the competition of the state-supported schools into the 21st



*Illinois College*

century, they are likely to say, "Well, I certainly hope so." Then a note of hesitation and uncertainty creeps into our conversation. And with good reason.

Almost everyone knows of a fine old college that has gone under in the past 10 years, and almost everyone knows of many others that are in perilous condition. In Illinois alone, the shift in percentages of those attending private colleges and universities, as compared to those attending public institutions has undergone a dramatic change. Before World War II, about 60 per cent of the students in this state were attending private colleges and universities as against 40 per cent attending public institutions. By the 1950's, the percent-

ages had been reversed. The GI Bill helped to reverse the proportion, and the shift was accelerated by postwar prosperity and the rapid growth of the college-age population. Both of those factors caused a rise in the numbers of college attenders that only the public sector could care for. Both the number and the size of the public institutions ballooned.

According to the *Data Book on Illinois Higher Education* published by the Illinois Board of Higher Education in 1976, there were 159,296 undergraduates enrolled in public universities and community colleges in 1966; there were 83,035 enrolled in private institutions that year. A proportion of roughly 2 to 1. By 1975, the comparable figures were 365,216 and 85,733. The proportion was now 4 to 1. During those 10 years, the enrollment gain in the private institutions was 2,000 students; in the state universities the gain was 45,000 students; and in the community colleges the gain was a whopping 161,000. Lumping together the gains in the public sector, we get an increase of about 200,000 students compared to 2,000 in the private sector. 100 to 1. This is what has already happened.

### Meeting higher costs

Now, for a variety of reasons and at all levels, the student populations are beginning to decline, and you can be sure that the private sector will suffer proportionately greater losses than the public sector. As costs rise, the discrepancy will accelerate. Inflation strikes both the public and the private sectors, of course, but with rather different results. The state institution and the public community college can go to their governing boards and appeal for increased funds to meet increased expenses. Even though these are not as

CHARLES E. FRANK

Pixley professor of humanities and chairman of the English department, he is the senior member of the Illinois College faculty. He has been a member of the Jacksonville City Council since 1973.



easy to get as they once were, no governing board wants to cripple the program of its university or college, so somehow or other, the necessary funds will be secured from the public domain, perhaps by a modest increase in tuition, or by a tax increase.

The private college and university has no tax supported uncle in Springfield or Washington. It may get some help indirectly through students who qualify for state scholarship funds. Illinois has been a pioneer in this kind of assistance to the private institution, and this is one of the reasons why most of our private colleges have been able to survive at all. Foundation money is usually made available not for operating expenses but for research grants, and these grants are more likely to go to universities than colleges. Appeals to alumni have brought encouraging responses, for the small college has generally had a much greater sentimental hold on its graduates than has the large university. Still, this source of support has been tapped so often and so deeply that it cannot be expected to yield much more than it now does.

## Pricing out of the market

Increased operating expenses must be met largely through increased tuition and fees. Increases of this kind have been horrendous and are becoming chronic. Even with scholarships to soften the blows, the private college is in danger of pricing itself out of the market. Patricia McCormach, education editor for United Press International, stated recently: "On average the cost of attending a private four-year college this year comes to \$4,905, including room and board." Top figures are nearly twice that, and costs are still rising at an alarming rate. It is likely that a college education at a private college or university will cost about \$40,000 by the year 2000. The cost at a state-supported school will be perhaps half that amount.

Even if it could be demonstrated that the education received at a private school was twice as good as that received at the public school — and of course it cannot — most students and especially their parents will choose the less expensive. In the same 10-year period used earlier to show the shift from private to public schools that has been occurring, the consequences of rising costs to individual schools have

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**It is likely that  
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by the year 2000**

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been clear and drastic. Some examples of changes in student enrollment at some well-regarded colleges of this state are shown in the table. These are some of the more ruinous figures taken from the *Data Book on Illinois Higher Education*, 1976.

Inevitably, colleges struck by such declines in enrollment must make serious adjustments in their staffs, programs and services. Such adjustments may make them less competitive, causing a further decline in enrollment. If they raise tuition and fees too precipitously, they will commit suicide. Adding to the woes of the private institution is the fact that endowment income has not kept pace with inflation. In some cases, endowments have been encumbered in order to balance budgets, thus further reducing income. Staying alive in these parlous times is not easy for the private college.

Some will say that the colleges that go under during these years of stress are the weaker ones, that as elsewhere the law of the marketplace culls out the weak. That is not as logical as it looks at first glance because the struggle between David and Goliath is not being waged on equal terms. The comparative figures given earlier on the charges at private and public schools, showing that the student or his parent pays about twice as much at the private institution, are misleading because the cost per student for the college is about the same, whether he goes to a public or a private school. One

way or another the taxpayer picks up the difference. It is therefore not in the taxpayer's interest that private schools should be squeezed out of existence, for the students who might have gone there will most likely migrate to a public college or university, and the taxpayer will pick up more differentials.

There may be some who think that this is as it should be, that the private system of higher education is an elitist system, that it breeds the snobbery of the Ivy League, and in a democratic society, the sons and daughters of the well-to-do classes should get no better an education than the sons and daughters of the less well-to-do. Let the cream and the skim milk of society be homogenized. But acceptance of this attitude means a lowering of academic standards and the acceptance of mediocrity.

## Community college clash

Nowhere has the clash of standards been more clearly at issue than over the rapid rise of public community colleges in the state of Illinois. There was certainly a real need in the 1950's and 1960's for increased opportunities in technical and vocational training for young people who would not have qualified for admission to the liberal arts and scientific programs of either the public or the private colleges and universities. The community college was and still is an excellent way of meeting that need. But it has not been content to meet that legitimate need. Instead, the community college has increasingly invaded the area of the liberal and scientific training already adequately provided by existing institutions. It has thereby helped cause the problem of shrinking enrollments at some of the private colleges.

As if there were not already more than enough community colleges to serve the legitimate needs of the state, there was introduced into the last session of the legislature House Bill 1524, which would have required every school district of Illinois to be included in a junior college district. This bill is not a new one; it has been introduced before in varying forms. The argument for the proposal is that the community college is a good thing, and that every school district should either form one of its own (if it has a sufficient tax base) or be annexed to an existing community college district. Some members of the

### *Student enrollment decline*

Institution	1966	1975	% Loss
Aurora	1,621	1,001	38.2
Judson	1,002	390	61.1
Lake Forest	1,290	1,080	16.3
MacMurray	1,114	746	33.0
Monmouth	1,256	684	45.6
Quincy	1,690	1,251	26.0
Shimer	519	180	65.3

legislature believe there is a "mandate" to achieve 100 per cent adherence to the master plan.

However, previous bills have permitted, either by statutory provision or gubernatorial amendment, a referendum which allowed the voters of each district to indicate whether they wished to be annexed to an existing community college district or to pay "chargeback" tuition expenses of students in that school district who wished to attend a community college of their own choosing. This would seem to be a fair way of handling the problem. The Jacksonville school district, #117, where both Illinois College and MacMurray College are located, voted 9-1 against joining a community college district in its last such referendum in 1974; other districts in the area voted as high as 14-1 against annexation.

## Legislative outcome

The proponents of H.B. 1524 ruled out the referendum this time, and both House and Senate voted down amendments which would have permitted this so-called "backdoor" referendum. Thoughtful citizens of District #117 were distressed, for several reasons. First of all, the cost of the "chargeback" tuitions has been approximately \$100,000 a year; the new taxes to support annexation to a community college district would be at least three times that amount, which is a considerable extra tax burden. Secondly, it is the opinion of the district's voters that its needs in higher education are being well met by two existing four-year colleges, Illinois and MacMurray, and that annexation to a community college would result in wasteful duplication. Where needs were not being met by the existing colleges, the district stood ready to continue to pay the "chargeback" tuitions. Thirdly, annexation to a community college district would almost certainly result in declining enrollments at Illinois College and MacMurray College, possibly threatening their continuance as major cultural and economic factors in the Jacksonville area. Finally, citizens were outraged by the fact that their expressed wishes in the 1974 referendum had been ignored, and that arbitrarily they were being refused the right to express their wishes in any future referendum on the matter.

Gov. James R. Thompson saw the

cogency of those arguments and vetoed H.B. 1524. There was no attempt to override because the bill's sponsor, Rep. William Walsh (D., LaGrange Park), decided not to pursue it. But it may be expected that a similar bill will be introduced in some future session. The certainty of additional tax bases for supporting the public sector of education, the lure of statewide uniformity of educational facilities and programs, and the very desire to "complete the system" seem to be hard for some legislators to resist. But it has also been an American desire to allow freedom of choice, to encourage legitimate competition and

to provide the best climate for research and experimentation.

Lil' David was small, and he's been getting smaller. Goliath was big, and he's been getting gigantic. This Goliath is not going to be brought down by a slingshot and a pebble, and in fact, this David never wanted to bring him down. He has been and is willing to settle for coexistence. And almost every educational theorist, including those in the public sector, believes in the necessity of coexistence of public and private institutions in order to maintain a strong system of higher education in Illinois and throughout the nation. □

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college districts operating 51 colleges. In the fall of 1977, there were 533,715 students enrolled in courses or programs at all the community colleges. Enabling legislation allowed districts to be formed to provide the following educational services:

1. the traditional college education in liberal arts for freshman and sophomore students;
2. technical, vocational, occupational and career education;
3. general studies programs;
4. noncredit adult continuing education;
5. community service activities; and
6. student services.

Ninety per cent of the educational programs offered by community colleges are associated with the first three educational services.

## Governing the system

Each district has an elected board of trustees except in Chicago and East St. Louis. The Chicago board is appointed by the mayor with consent of the City Council; the state operates and totally funds the East St. Louis College, whose board is appointed by the governor with consent of the Senate.

The entire system is coordinated by the Illinois Community College Board (ICCB), which has eight members appointed by the governor, one designated by the Office of Education and one non-voting student member. This board, in turn, is governed by the Illinois Board of Higher Education (IBHE), which makes budget recommendations to the governor for state funding of all higher education, including the community college system. The IBHE has 10 members appointed by the governor, five representing higher education institutions (one from each system) and a non-voting student member. The IBHE also approves changes in educational programs at the community colleges and the universities. Although this system cuts off direct communication between the individual schools and the governor and General Assembly, there are cases when a university or community college has gone directly to a state representative or senator to sponsor individual bills — usually to appropriate money for construction.

The strongest community college lobbying group is the Illinois Commu-

nity College Trustees Association (ICCTA), formed in 1971. There is also a council of public community college presidents plus statewide associations of faculty and students.

## Funding the system

The state's initial promise was to fund 50 per cent of the education operating costs of the community college system, as recommended in the 1964 Master Plan of the IBHE. The state never fulfilled this promise. The state now promises to fund that portion of the educational costs system-wide which local property taxes and tuition cannot pay. This recommendation was made in 1975 by a Blue Ribbon Committee of the IBHE, but the community colleges are not satisfied with the state's interpretation of the plan.

In the spring of 1977, the ICCB, trustees association and presidents' council jointly formed an Ad Hoc Committee. Critical of the state's funding effort, the Ad Hoc Committee contended that the state rates based on credit hours had actually declined while inflation had pushed costs up 30 per cent during the period from fiscal 1974 through fiscal 1977. The committee emphasized that local tax revenue per

\$2,812,552 from federal funds (1 per cent) and \$4,797,914 from other local revenue sources (2 per cent).

The percentages of the total educational expenditures from each source have stabilized since fiscal 1973, when local tax revenues accounted for 45.5 per cent, state funds were at 34.8 per cent, tuition at 15.6 per cent, federal funds at 2.3 per cent and other sources at 1.8 per cent (see table 1).

There are other state funds going to the system which the community colleges and the ICCB do not consider as direct state funds. Not included are the annual appropriations by the state for its share of pension funds to the Universities Retirement System; for fiscal 1978, the amount estimated by the governor is \$5.1 million for the community college system. Also not included are the appropriations made annually for the Illinois State Scholarship Commission and the Department of Veterans Affairs for scholarships awarded to community college students. For fiscal 1978 the amounts estimated by the governor to be awarded to community college students include \$6.6 million for veterans scholarships and \$7.1 million for other scholarships. The governor considers these funds as part of the state's share of the community college

*Table 1*  
**Percentage of total revenues by source for community colleges**

	FY 1973	FY 1974	FY 1975	FY 1976	FY 1977	FY 1978
Local taxes	45.5	38.3	37.3	36.4	35.4	37
State funds	34.8	39.8	38.2	38.6	41.0	40
Student tuition	15.6	15.5	17.8	20.7	20.8	20
Federal funds	2.3	3.2	2.3	2.2	1.1	1
Other sources	1.8	3.2	4.4	2.1	1.7	2

*Source: Illinois Community College Board*

student during the same period had diminished since property tax assessments had not kept pace with enrollment growth. The only alternative was to increase the third basic source of revenue: tuition. The committee reported that all but seven districts during the same period were forced to raise tuition.

The total budget for all community colleges for fiscal 1978 is \$285,136,681. The state's share is 40 per cent or \$113,151,098; local taxes account for 37 per cent of the total revenues at \$105,778,097, and tuition totals 20 per cent or \$58,597,020. The remaining 3 per cent of the 1978 revenue is

funding.

The state's share of direct funding for education at community colleges comes from three types of grants — credit hour grants, disadvantaged student grants and equalization grants.

Credit hour grants provide state support for part of the education costs of a community college. These grants account for the lion's share of state support of the education at the community colleges. To derive the amount the state will — or should — appropriate in credit hour grants, all other sources of revenue (including the state grants for disadvantaged students and equalization aid) are subtracted from the



## Community colleges crank all their education costs into the calculation of the educational unit cost per credit hour. There are no line items for these costs in the appropriation

projected total education budget (see table 2).

The total revenue for instructional programs in fiscal 1979, according to the governor's recommendation, is \$305,585,900, which is less than the IBHE originally projected and much less than what the ICCB projected. The governor's revenue figure is based on his projected enrollment of 173,900 full-time equivalent students for fiscal 1979; the ICCB based its revenue figure on an enrollment of 177,300 full-time equivalent students.

Full-time equivalent or FTE students are "formula" students. Since community colleges have a tremendous number of part-time students (approximately 71 per cent), the basic unit used in budgeting is the credit hour cost. All courses taken by students during a year are multiplied by the credit hour value of the courses. The "formula" FTE student takes 30 credit hours of courses during one year; thus, total credit hours are divided by 30 to determine the full-time equivalent enrollment.

The community colleges also calculate their education costs on a credit hour basis, which is multiplied by 30 to show the unit cost per FTE student. The unit cost used to estimate the revenues needed for the 1979 fiscal year is based on data from fiscal 1977, the last year for which complete figures from audited reports are available. The community colleges crank all their education costs — administration, faculty and other personnel, library and other services, plus maintenance and other overhead — into the calculation of the educational unit cost per credit hour. There are no line items for these costs in the appropriations bill.

The unit cost for fiscal 1977 was \$53.18 per credit hour (times 30=\$1,595 per FTE student). To allow for inflation and other marginal costs during the 2-

year period since fiscal 1977, an additional 9.93 per cent (or 5.28 per credit hour) is tacked on to the fiscal 1977 unit cost.

Besides the base unit cost and inflation adjustment, the projected revenue needed for fiscal 1979 includes a small amount for new program development and program improvement. The amount is calculated at \$.12 per credit hour. This item for program development or improvement has caused some complications. Since community colleges do not receive appropriations for specified programs at designated campuses, as do universities, they have a harder time justifying new costs.

The unit cost (\$58.13) plus the inflation adjustment (\$5.28) and new program development cost equal the overall average unit cost of \$58.58 per credit hour (\$1,757 per FTE student). This amount multiplied by the total projected FTE enrollment provides the total projected revenue needed for instructional programs for fiscal 1979: \$305,585,900.

## Securing state funds

Even more difficult than estimating costs by using this confusing formula is coming up with the funds to meet the projected costs.

Table 2

### Projected fiscal 1979 revenues by source

Local taxes	\$ 87,416,000
Equalization grants	10,355,800
Tuition and fees	67,821,000
Other local sources	2,330,000
Federal aid	
(excluding student aid)	12,831,600
DAVTE state grants	9,800,000
IOE & other state grants	
(excluding student aid)	9,036,000
Disadvantaged student grants	3,800,000
Credit hour grants	102,195,000
<b>TOTAL projected revenue</b>	<b>\$305,585,900</b>

Source: Illinois Community College Board

Estimated revenue available from property taxes in fiscal 1979 for all community colleges is \$87,416,000. This figure was derived by multiplying the median education tax rate (\$.18 per \$100 assessed valuation) of the community colleges by the total assessed valuation of the districts.

Because tax rates and assessed valuations differ among the community colleges, the revenue produced from property taxes per FTE student also varies tremendously. To assist poorer

districts whose tax effort cannot bring in a minimum qualifying amount per FTE student, the state provides aid through the equalization grants. Equalization funding has been provided to community colleges since fiscal 1972. For fiscal 1979 the amount recommended by the governor for equalization grants is \$10,355,800, which is more than the ICCB recommended. These funds will assist 12 districts; the ICCB proposal would have assisted nine.

Estimated revenue from tuition available for fiscal 1979 is \$67,821,000. This revenue was computed by multiplying the projected FTE student enrollment by the average tuition (\$13 per credit hour) charged by community colleges.

Other sources of local revenues from contributions or donations for education programs in fiscal 1979 are estimated at \$2,330,000 statewide. Community colleges also receive federal grants for educational programs; the total estimated for fiscal 1979 is \$12,831,600 for all community colleges.

The third type of state grant directly appropriated for community colleges is disadvantaged student aid, which was first appropriated in fiscal 1973. It is provided to enable colleges to offer special counseling, tutoring, testing and remedial-developmental courses for educationally disadvantaged students. The total recommended appropriation for fiscal 1979 is \$3,800,000 for all colleges.

The last type of revenue available to community colleges for educational programs is indirect state funds. The Division of Adult Vocational-Technical Education (DAVTE), the Illinois Office of Education (IOE) and other state agencies provide grants to individual colleges to support designated education programs. The revenue estimated for fiscal 1979 from these sources is \$9,800,000 in grants from DAVTE, and \$9,036,000 from IOE and other state agencies.

All of these revenue sources — property taxes, equalization grants, tuition, local contributions, federal grants, disadvantaged student grants and grants from DAVTE and IOE — are subtracted from the \$305,585,900 in revenue needed to meet the system's education budget in fiscal 1979. The remainder is \$102,195,000, the amount recommended by the governor for the credit hour grant appropriation.

The question now is whether the

General Assembly will pass the \$102,195,000 appropriation for credit hour grants. Since other parts of the community college revenue are from other state appropriations, such as the Illinois State Scholarship Commission and Division of Adult Vocational-Technical Education, the community colleges must also hope that these items pass at the recommended amounts.

The estimated cost for new programs and program improvement may also be reduced or even eliminated, which could reduce the total appropriation for credit hour grants. The governor has already recalculated the projected FTE enrollment upon which his recommendation is based for the credit hour grants, and the communities lost some funds when he did. If the General Assembly approves credit hour rates that will provide the \$102,195,000 but recommends lower amounts for the other community college items, the colleges will come up short. Similarly, if tuition or property tax income declines, the \$102,195,000 will not be enough, since this figure is based on tuition and property tax *estimates*, not assured *income*.

While planning for courses, salaries and new programs for fiscal 1979, the community colleges don't know what the final state appropriation will be. They also don't know what the rates will be for disbursement of the credit hour grants during fiscal 1979.

## Disbursing the grants

When the General Assembly approves the appropriation for credit hour grants, it must also approve legislation setting the formula rates for disbursement of the grants to the individual colleges. Claims are made each term for state credit hour aid based on actual FTE enrollments in the various types of credit courses. For fiscal 1978, the General Assembly failed to pass the bill setting the rates and the community colleges could not get their credit hour aid. The attorney general had ruled that the appropriation could not be disbursed by the ICCB until legislation was enacted. The bill was finally passed in November 1978.

During the first years of state funding of community colleges, the General Assembly set flat rates for credit hour grants. By fiscal 1972, the flat grant rate was \$15.50 per credit hour. In fiscal 1973

an additional rate was set to pay more aid for high-cost courses, such as those in medical technology programs. The two rates evolved into five, set according to different education programs. Starting in fiscal 1977, there were 16 rates. Eight of the rates applied to claims per credit hour up to the point when a college reached its FTE enrollment of the previous year. For enrollment growth beyond that point, the rates for the eight types of courses dropped to 70 per cent of the full rates. These separate growth rates are still used. Obviously, this is a very complicated method of disbursing the state apportionment to the individual colleges.

## Recommending changes

The Illinois Community College Board and the Ad Hoc Committee composed of trustees, presidents and ICCB members recommended to the IBHE in December that the state return to the 50 per cent funding plan.

Instead of using a statewide tax rate to compute estimated revenues from property taxes and a statewide average tuition rate to estimate revenue from that source, the Ad Hoc Committee recommended that the total education budget revenue be split 50-50. The local community colleges would pay their half from tuition and tax revenues, and the state and federal government sources would pay the other half.

The Ad Hoc Committee also recommended that basic credit hour grants, equalization grants and disadvantaged student grants be appropriated to the ICCB and then allocated by the ICCB by formula to each community college district at the beginning of the fiscal year. A list of the proposed allocations would be issued prior to the appropriation process. This list would identify the specific dollar amount for each of the three types of grants for each community college district. The list would be distributed to the IBHE, the governor's Bureau of the Budget, the General Assembly and other interested groups prior to the introduction of the appropriations bill. The allocations would be provided to each district even if enrollments decreased in that fiscal year, but in a case where enrollment had declined, an adjustment would be made during the next fiscal year. These recommendations and others were not approved by the IBHE.

One recommendation to ease the cash flow problem at the community colleges is being worked out between the ICCB and the IBHE. If adopted, the colleges would receive their aid from the state on a quarterly basis. This might help the cash flow problem for community colleges — some have had to borrow funds because state aid has been slow to reach them.

Although the Ad Hoc Committee favors a 50-50 split between local and state revenues, it did not recommend a 50-50 split on disbursement of credit hour grants. Instead, the committee supported the IBHE Blue Ribbon plan of five variable rates for different types of programs and the 70 per cent enrollment growth factor. A 50-50 split on disbursement of funds would mean that the variable rates would be dropped. Instead, the cost of a credit hour would be split. If the cost were \$60, the college would pay \$30 from its local sources and the state would pay the other \$30.

Some community colleges are in favor of the 50-50 split in disbursement of funds. Fred Wellman, executive director of ICCB, said, "The most equitable funding plan for the community colleges from both the local and state perspectives would be a 50-50 split for calculating both revenue requirements and

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Community colleges are the new kid on the block. They must compete for higher education dollars with the public and private universities

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for disbursement of the credit hour grants."

The Ad Hoc Committee had basically returned to the promise of the 1964 Master Plan: "[The] state share [shall] be approximately 50% of the average operating costs of the . . . system."

James Furman, executive director of the IBHE, said, "The state's job is to actually provide the money that it actually costs to operate the programs, and the 50 per cent factor is not relevant. The 50 per cent issue is an emotional factor and not pertinent to the question of how much the state must provide to meet the costs of the program."



Dr. Harold McAninch, president of Joliet Junior College and chairman of the Illinois Council of Public Community College Presidents, said, "The concern I have about the funding program at the present time is that it's unworkable and continually manipulated to be acceptable to all constituents. Since it deals in averages only, institutions are greatly harmed. Joliet would be in dire financial straits, except we passed a tax referendum last year."

According to Dave Viar, executive director of the ICCTA, today's formula is tied to the resource requirements, and, in effect, "If you must raise tuition or raise taxes that increase the local money available, that allows the state to drop the amount of money it must provide. The burden is shifting to the local taxpayers and the students who must pick up the cost for the programs that we [ICCTA] feel have a benefit toward the entire state." Viar fears that because of a shortage of available state funds, the state may adopt an attitude of leaving the local taxpayers responsible for bearing the burden of supporting the community colleges.

Viar believes that community colleges must push the legislature for more state money or at least force it to recognize there is a problem. "The community colleges really need to have a definite commitment from the state. The state must give a certain dollar figure and not be vague in its financing," said Viar.

Instead of the current situation where colleges must justify their share of state funds each year based on FTE enrollments, Viar would prefer that community colleges be funded the same way the rest of higher education receives funds. As Viar explains, "Universities are funded on a 'need for more' basis. If you received \$25 million last year, next year you get a 7 or 8 per cent increase over that. State money also goes to private colleges as flat grants or state scholarships. Yet, community colleges serving approximately 533,715 individuals are on a 0-based budget."

The community colleges are the new kid on the block. They must compete for higher education dollars with the public and private universities. But it takes time for a new system to gain the understanding, tradition and respect the community colleges so desperately want. It has taken time for the system to build its image and to explain its goals — providing education that is "differ-

ent" from that of the traditional institutions of higher education.

The funding sources for the community college system appear to be precariously balanced on shifting revenues from property tax revenues, tuition and state aid. The variables which the colleges must use each year to set their education budgets appear to be less than desirable. Before anyone knows what the General Assembly has passed, new programs must be approved and tuition set in time for publication in the college catalogs for the next year.

Salaries must be approved and raises granted before knowing exactly what the state will pay. Assessed valuation may go up or down, resulting in more or less tax revenues than first projected. And finally, the students must enroll. If any of these budget factors vary too much, a community college may be in real financial trouble. Some community colleges are already in trouble, others are at the edge, and all are tired of the way the state figures its share of funding them. □

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The end of the baby boom in the early 1960's means a drop in the college-age population in the 1980's

## College enrollment decline

THE END of the long postwar baby boom is not news to most people, but it's about to make news in Illinois colleges and universities. The depleted ranks of newborns, starting in the early 1960's, will soon be the depleted ranks of 18- to 21-year-olds, the traditional age of college undergraduates. And that could mean many empty seats in Illinois college classrooms.

The severity of the baby boom decline can be seen in figures by the U.S. Bureau of the Census in its "Statistical Abstract of the United States 1976." In 1945, there were 2.86 million live births in the U.S. The number of live births soared to 3.63 million in 1950, to 4.10 million in 1955 and 4.26 million in 1960. There was just one more year with an increase, to 4.27 million in 1961, before the decline began. In 1962, there were 4.17 million live births; in 1963, 4.10 million; in 1964, 4.03 million, and in 1965, 3.76 million. The lowest number of births during the 1960's was recorded in 1968, when 3.50 million babies were born. The total climbed a bit during the next three years before plunging below 3.20 million by the mid-1970's.

Gustav J. Froehlich, head of the University of Illinois Bureau of Institutional Research, is the accepted expert on the enrollment patterns of Illinois higher education. His yearly enrollment study is known simply as the Froehlich Report and is used by agencies throughout the state, including the Illinois Board of Higher Education (IBHE).

"I think it's fairly certain that it won't be long, no later than 1980, when we're going to hit a peak in high school

graduates," he said in an October interview, "and also in the age range from which we usually pick up our college students, 18 to 24. Practically every demographic study that I've seen, and some that we've made, agree on that. Maybe they're off — one says one year, one says another — but we know that the peak's coming and it's going to be with us fairly shortly," he said.

Of course, elementary school administrators have been grappling with the

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Most planners expect that demographics will lead to enrollment declines soon, even with other social trends taken into account

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demographic facts of life resulting from the baby boom's end for several years now, and high school administrators are just beginning to face similar problems. What makes the situation more complex for higher education planners, though, is that demographics is not the only factor in predicting enrollments.

Predict the number of 5-year-olds in a given area, and you've pretty well predicted the kindergarten enrollment. But not every 18-year-old decides to enroll as a college freshman, and not every college freshman is an 18-year-old.

In the short run, the state of the economy is probably the biggest factor in determining enrollment changes. Froehlich theorizes that economic downturns have a two-stage impact. "In the early years of a depression, enrollments will go up," he said. "People still have some money; they don't have a job,

so the attitude is, 'All right, I'll go get a master's degree, and maybe I'll get a better job.' If the depression lasts, that cushion of money is gone and the new job doesn't materialize, then the bottom drops out."

In the longer run, social trends such as the public's opinion of the value of a college education and the aspirations of women and minorities, affect enrollment levels as much as population trends. So too does the availability of financial aid. Another factor important in recent years has been the increasing numbers of older adults taking college courses.

In the 1960's, these various factors all worked together: expanding numbers of young people coupled with rising aspirations of women, minorities and the lower and middle classes, all caused enrollments to increase just about as fast as new classrooms and campuses could be built. The total statewide on-campus enrollment, according to the Froehlich surveys, increased from about 200,000 in 1960 to 458,000 in 1970.

Despite some well-publicized declines at some state universities in the early 1970's, the overall state enrollment totals have generally increased in this decade, too. The percentage of young people going to college has not increased as it did in the 1960's, but the numbers of older adults going to college have jumped dramatically and kept the overall total on the rise.

### Recession causes increase

The recession that began in 1974 had an effect much in line with Froehlich's theory. Fall 1975 enrollments for students in on-campus programs jumped nearly 10 per cent, from 496,000 to 544,000. In 1976, total on-campus enrollment increased just slightly to 545,000, though the grand total enroll-

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ment, counting off-campus students, increased 1.4 per cent to 667,000.

Figures gathered by Froehlich and the IBHE for fall 1977 showed on-campus enrollment up about 1.7 per cent, to 554,000 and overall enrollment up about 3 per cent, to 687,000.

So enrollment declines aren't here yet. But most planners expect that demographics will lead to enrollment declines soon, even with other social trends taken into account.

A 1977 study by the American Council on Education, Washington, D.C., considering demographics, migration patterns and numbers of students going to college out of state, projected a 16.2 per cent decline in "traditional age" (18 year-old) freshmen attending school in Illinois between 1975 and 1985. The IBHE's latest detailed projection, made in the 1976 Master Plan Phase IV, predicts as "most likely" an overall enrollment peak of about 717,000 in 1981, then a drop of 11 per cent over the next nine years, to about 638,000 in 1990 — about the same level as was projected for 1976.

If the coming enrollment decline has been about 15 years in the making, does this mean that planning for it has been going on just as long? Not too surprisingly, the answer is "No."

The IBHE's Master Plan Phase II, for example, in 1966 predicted the future as follows: "The expanded population of young persons from 1965 to 1980 will

produce more offspring than ever before, and these, in turn, will grow into the ever-expanding college-age population from 1983 until the turn of the century. College enrollments are increasing much more rapidly than the college-age population. In other words, college enrollments will continue to rise even in the unlikely event that the number of college-age youth were to become static."

## Plan predicts peak

By 1971, the graphs put out by the planners on the Board of Higher Education staff had taken on their present form — with a bulge in the early 1980's and a decline after that. The only error in the Master Plan Phase III was in predicting that the college-age population would begin to increase again in about 1989. Current projections place the end of the decline somewhat later.

But Master Plan Phase III, and Phase IV, approved two years ago, did not deal with the issue of declining enrollments per se. Instead, they talked about how to deal with the enrollment bulge — how to serve the extra students added on in the last half of the 1970's, whose numbers would disappear by around 1990. Thus, the first recommendation in Master Plan Phase IV states, "The allocation of resources to accommodate peak enrollments through the early 1980's should be made in a manner that is cognizant of probable subsequent enrollment declines to levels comparable to current enrollments."

In other words, the plan was saying to colleges and universities, "If you can double up a bit for a while, and do without many new buildings and programs and such in the next few years, you won't have to cut much when enrollments begin dropping five to ten years from now."

The IBHE this fall began studying the enrollment issue again, and this time appears to be facing up to the fact that the problem may be more difficult to solve than the master plans have indicated. The latest study was sparked by a letter from Gov. James R. Thompson sent to the board in July which asked such things as whether faculty retraining programs are planned and how to prevent underutilization of higher education buildings. "What can we do in Illinois to redirect emphasis from the growth syndrome of the 1960's to a

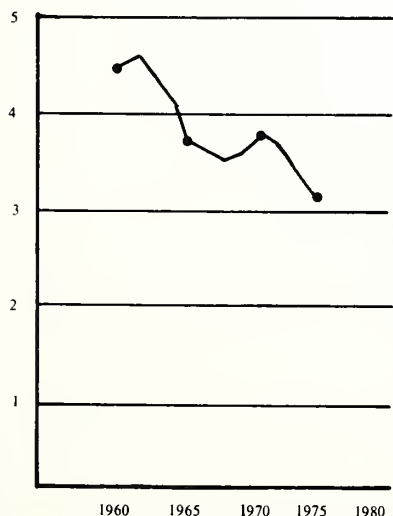
focus on improving the quality of our programs?" Thompson asked.

John Folger, policy coordinator of the Education Commission of the States, a national organization, was one of four experts invited to address the IBHE in October on enrollment and other coming problems. "Institutions don't have experience with retrenchment," he said. "As a political activity, it is something we don't know how to deal with."

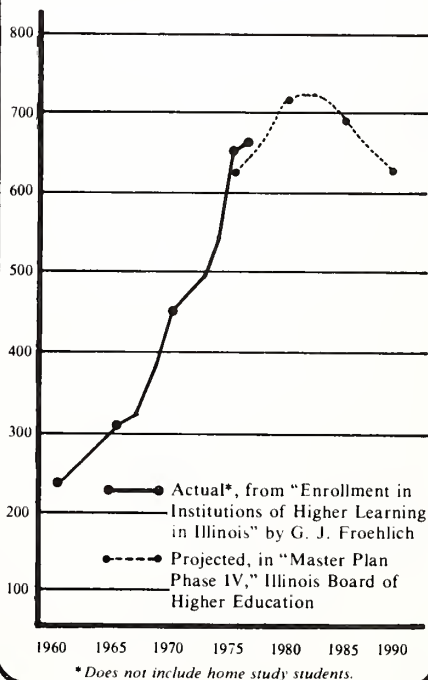
Colleges and universities cannot cut costs rapidly as their enrollments decline, experts say, for many reasons. For one thing, tenured professors are difficult if not impossible to lay off, and they cannot be retrained to make the switch from English to medicine as an assembly-line worker is retrained to switch from a Pinto to a Lincoln Continental. In addition, schools can't do much to cut fixed costs. As Jack W. Peltason, head of the American Council on Education, put it in a recent speech in Champaign, "You still need a laboratory whether there are 40 or 45 kids there; you have to heat a classroom whether there are 50 kids sitting there or 60."

In addition to whatever limited cost-

**Figure 1**  
**Number of**  
**live births in U.S.**  
**(in millions)**



**Figure 2**  
**Total degree credit**  
**enrollment in Illinois**  
**higher education**  
**(in thousands)**



cutting may be possible, the solutions to the enrollment problem take three general forms:

1. Finding enough students from nontraditional college-bound groups — those over age 24, minorities and others not now in college — to overcome the decline in traditional students.

2. Asking the state not to decrease funding as enrollment declines with the extra state dollars-per-student to be invested in improving the quality of education by decreasing class size, for example.

3. Accepting the decline as the fate of free market forces resulting in the death of weak programs which did not deserve to live anyway.

The first solution is the one most often cited by higher education officials. For example, college administrators often criticized the Master Plan Phase IV's projections by arguing that they did not take enough into account the increasing numbers of older adult students. But Froehlich and others caution against overestimating the effect of the older adult student, particularly in the state universities. "The big increase in older people going to school is in the junior college," he said. "You don't see it so much in universities. And we find it [the increases] in the junior colleges, not in the baccalaureate programs — the kind of programs which mean transfer to a senior institution — but in the occupational areas and in the general studies [recreational-type courses]. These people are not really interested in getting any further degree."

Even the older adults who do go to universities will not affect all campuses equally. "Many colleges and universities are not ideally positioned, geographically or philosophically, to serve a new student clientele," according to a November IBHE staff study. "Many of the state's largest universities are in areas of relatively low population and are not likely to attract many of the 'new' students."

Already, according to the IBHE's annual Data Book on Illinois Higher Education, the numbers of older adults vary widely from campus to campus, with the greatest numbers at urban campuses. For example, in fall 1975, according to the book, the average undergraduate at Chicago State University was 25.6 years old; at Western Illinois University at Macomb, the average age was 19.8 years.

(Though schools in rural areas stand to do the worst with older students, at least one such Illinois campus probably will not face much of a decline in enrollment demand — the University of Illinois Urbana campus. Froehlich and other experts feel that a state's "flagship" state university — the most prestigious research and teaching institution, which now turns away applicants — will have little trouble in meeting enrollment goals in the future.)

Another difficulty in serving older students is that it will probably cost

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## Enrollment trends are among the criteria to be used in determining which programs, if any, should be discontinued at state universities

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more, on the average, to serve them. It costs money to extend class hours into the evenings and on weekends and to create special counseling programs and new instructional methods geared to older adult needs. Furthermore, students who study only part-time often cost as much in administrative expenses as full-time students.

## Colleges seek solutions

Another possible way to increase higher education's workload as regular enrollments are declining would be to take on training functions now performed by other institutions. Colleges and universities, it is argued, could contract with the military, or businesses, to run training programs for them. But the IBHE's November report cautions that such arrangements can create difficulties. "For example, training programs in the military are highly structured and heavily oriented to specific jobs and competencies," the report stated. "It may be very difficult to adapt higher educational programs in ways required by new alliances, without substantially altering basic educational philosophies and missions."

The second route — using the decline

in enrollments to improve quality — is naturally attractive to college and university administrators. In its November report, the IBHE staff reasoned that "productivity" (the ratio of costs to overall benefits) could be maintained in an era of declining enrollment in only two ways: cutting costs or increasing quality.

"While the most apparent way to maintain productivity in the face of declining enrollments may be to cut costs, e.g., lay off staff or close buildings, it is unlikely that cost-cutting alone could keep up with productivity declines," the report said. Among the ways to improve quality, the report suggested, are consolidating weak programs and strengthening those in fields needed the most by society, improving faculty teaching skills, and making more flexible programs to meet student needs.

A third "solution" of sorts would be a passive approach — accepting the notion that students are consumers. An exponent of such a free market philosophy might well argue that the choices students make as to which college to attend will rightfully determine which colleges deserve to survive. Such a system is already in effect, to some extent, in the private college sector, where college closings due to declining enrollments are not unheard of even in these pre-decline years.

Since public higher education is subsidized primarily by the taxpayers rather than by student tuition, no public campus is likely to be shut down because of declining enrollments. However, it is likely that individual programs at these campuses might be cut. The IBHE this fall approved a system of program review at state universities, and enrollment trends is one of the criteria to be used in determining which programs, if any, should be discontinued.

Budgetmakers in Springfield for the next decade will have to resist the temptation to look just at enrollment figures as the criteria for a university or college total budget, or wholesale budget cuts will result. The best solution to the coming enrollment problem will likely be a combination of the above alternatives: some careful program cuts and cost reductions at campuses facing significant declines, improved programs to bring in more older adults and other previously excluded potential students, and improvements in quality education for all students. □



# How much school support can the state afford?

SCHOOL funding requests are the innermost spiral of a potential spending cyclone that is looming on the horizon of government in Illinois. The issue is whether the governor can convince the important agencies or interest groups to control their spending, especially in the wake of the official pay raise. Gov. James R. Thompson and his Bureau of the Budget are in the eye of the storm. They say control of education funding is the key to their hopes to control state spending in general in fiscal 1980.

Education funding can be controlled more easily than most other large areas of state spending, like welfare and roads, which are entitlement areas — meaning they are entitled by law to state-funded program aid. Roads, corrections and child welfare agencies are in immediate, dire need of added funds. But revenue growth is expected to slow as general economic growth slows; a \$400 million revenue growth is likely, and state revenue sharing and transportation formulas may take \$50 to \$60 million of that off the top.

The governor said in February that if the Illinois Board of Higher Education or the State Board of Education get their full budget requests they might “start an administrative and legislative stampede” on state general fund reserves — the sole hedge against a tax boost, since deficit spending is not a state prerogative under the 1970 State Constitution. If a recession comes, the reserve would be needed for expanded welfare costs. But the school boards say they absolutely need the requested funds to maintain adequate education in the state.

The two sides are nearly \$150 million apart. Education superintendent Joseph M. Cronin indicated in a February 8 board meeting that it was not likely that educators would back down from their original request, even though the gover-

nor asked them to at the meeting.

This same controversy whirls around the Capitol Dome every year. Last year the governor was more flexible than the school boards, judging by original requests and final appropriations figures, partially because of an influx of nearly \$37 million in one-time federal Title XX funds. But the thing that makes this year's battle unique is the delicate balance between the budget and the fewer options available in light of the crying need for more money in corrections, child care and roads.

The details are unique. In January the state higher education board recommended a budget of \$1.047 billion, and the board of elementary and secondary schools requested \$2.106 billion for fiscal 1980. However, the governor said on February 1 that he would recommend \$1.017 billion funding for higher education, and \$2.016 billion for elementary and secondary education — nearly \$150 million less than the boards' requests and \$115 million less exclusively from state funds. Both sides are calling for an increase. Even the governor's proposal is an increase over the fiscal 1979 projected spending — \$55 million more in higher education and \$81 million more in elementary and secondary education spending.

School enrollment has been declining for the last eight years, and is predicted to continue downward for another decade. This decline would lead one to believe that spending demands by education might also decline, but that has not been the case. For one thing, transportation costs have risen, and the range of educational opportunities and programs has been expanded to meet newly recognized social responsibilities, such as bi-lingual education, adult education, special education for all visually impaired and handicapped children, and expansion of vocational

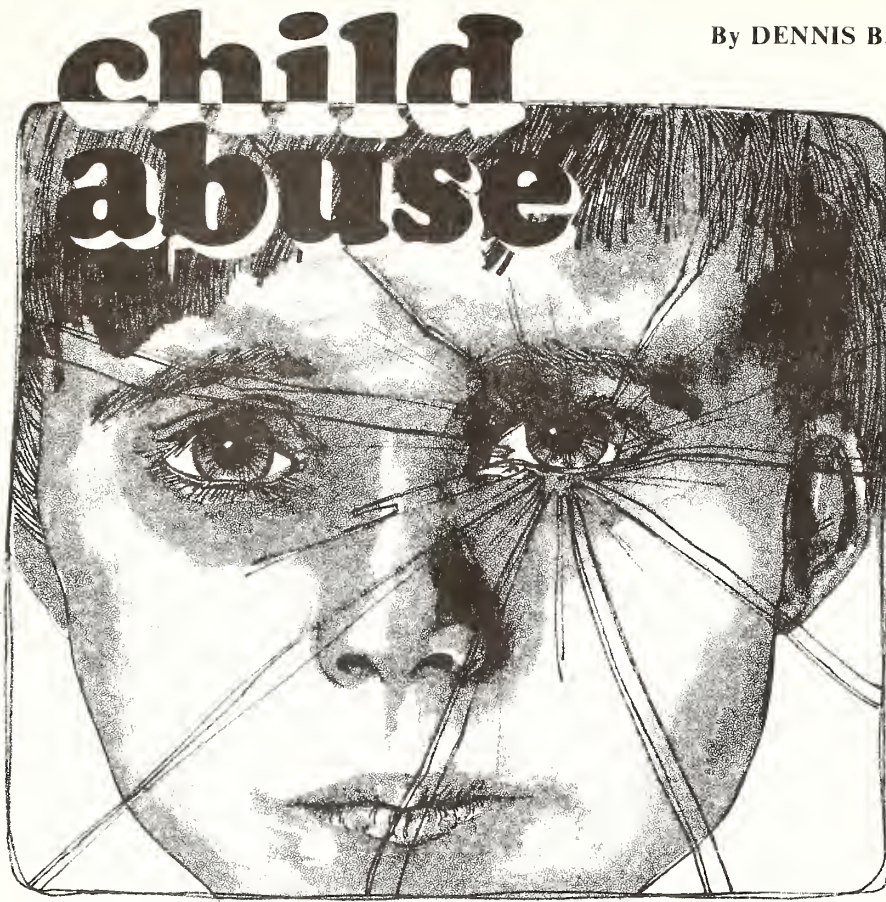
training programs and the community college system.

As a result, the cost of education has continued to rise despite the enrollment decline, but at a much slower rate than in the boom years of 1967-1971. The average school spending growth since 1973 has been 9 per cent.

Gov. Thompson's fiscal 1980 spending package calls for a 6.6 per cent increase in the level of higher education spending, while the higher education board calls for a 9.8 per cent increase. The governor's recommendation for elementary and secondary education would give a 4.2 per cent boost while the state board wants an 8.8 per cent boost. Once again, the demands seem final.

But the governor has gone along with some education requests that the legislature may not approve, including a 7 per cent boost in faculty and staff salaries for higher education and reform of the school aid formula. The governor says he wishes to make the aid distribution formula accessible to all elementary and secondary school districts “without being required to seek voter approval of higher tax rates” which drive up property taxes locally. Also, the plan would allow districts to lower taxes without “the penalty of reduced state aid in subsequent years,” and it would increase the per pupil support level from the state by \$65 to a total of \$981.

The IBHE is requesting a tuition increase of \$48 a year for university students and \$64 a year for graduate students. Last year Gov. Thompson successfully vetoed a similar tuition hike, but he has deferred any judgment this year until the appropriation reaches his desk. Then he can decide “whether that additional allocation can make the difference between a higher quality of education or not,” according to Bureau of the Budget director Robert L. Mandeville. □



# How can it be stopped — prevention or prosecution ?

"CHILD ABUSE is not a new phenomenon," said Governor James R. Thompson, giving the keynote address at the first Illinois Governor's Conference on Child Abuse held this past May at the Pick-Congress Hotel in Chicago. "In a society where the least powerful are supposed to have inalienable rights, it's shocking to find every day that some of our state's children are scalded, beaten, or otherwise abused."

Recent grim statistics bore out the governor's concern. In 1977, 8,788 (3,963 in Chicago) cases of child abuse were reported to the Illinois Department of Children and Family Services (DCFS). This was 2,000 more cases than were reported in 1976 and 18 times as many as were reported in 1965, when the state's first child abuse law was enacted. In the month of March 1978 the number of child abuse cases in Illinois set an all-

time record: 1,300. If the current rate continues, the total for 1978 is expected to be near 12,000. And although some of that increase may result from better detection from teachers, doctors and neighbors, Thompson rightly emphasized that the quantity of abuse is apparently increasing at the same time that the quality of detection is improving.

The Governor's Conference on Child Abuse was organized to define and describe the various problems of child abuse and to come up with some solutions. The conference was sponsored by the Illinois Chapter of the National Committee for Prevention of Child Abuse (NCPCA), a private organization. Cooperating agencies in the conference included DCFS and the Illinois Chapter of the Society for Hospital Social Work Directors. The conference was attended by over 1,000 social workers, psychologists, psychiatrists, physicians, nurses, police, teachers, business people, politicians and other interested persons. They came from over 150 Illinois towns and cities, as well as from the neighboring states of Michigan, Minnesota, Missouri and

Wisconsin.

The conference participants viewed films on child abuse and attended workshops on such topics as parent-hood education, the police role in child abuse, sexual abuse, and crisis nurseries. There were "showcase" organizations which have dealt successfully on a community level with child abuse. And there were small working groups, in which the participants made a list of priorities and possible solutions to the various problems. At the end of the conference there was a "contracting" session during which the participants pledged in writing to work for improvements in the child abuse field.

Muriel Smith, who is chairman of the Illinois chapter of the NCPCA, was also the conference chairman. "The NCPCA is dedicated to the organization and coordinating of statewide agencies which work together to prevent abuse in the state of Illinois," she said at the beginning of the three-day conference. "We want to broaden public awareness and education so that there can be more identification, investigation and intervention of child abuse. We want to assess and mobilize people, organiza-

DENNIS B. FRADIN  
JUDITH BLOOM FRADIN

Free-lance writers residing in Evanston. Dennis Fradin has written a variety of articles for *Illinois Issues*, and Judith Fradin is making her first appearance in this magazine.



tions and resources within the state. We want to work for classes in parenting in the schools on a junior and senior high level. And we want to establish a process for solutions."

## Prevention and therapy

"Prevention" and "therapy" were key words to most of the conference participants. Few of the people at the conference wanted to discuss spectacular cases, such as Johnny Lindquist, the six-year-old boy who was beaten to death by his parents. Most wanted to discuss the thousands of disturbed parents who are on the verge of abusing their children or just beginning to abuse them. These are the people, most felt, who can be helped by counseling and parenting classes.

Chicagoan Katharine Mortell, who has been a social worker, direct case worker, child guidance counselor and family service worker, was one of the most vigorous advocates of preventive measures rather than punishment. "This conference is going to generate public interest and awareness of the problem," she said. "The big problem in the area is the discrepancy between those working in the field who believe service and rehabilitation and education are the answer, as opposed to a large segment of the general public that is outraged when they hear about a two-year-old kid scalded on a radiator. These people are interested in punitive action against the parents. The parent who beats his kid in an uncontrollable rage needs intensive treatment services. Punishing the parents creates new problems for kids. Our resources should also be put into parenting education — to teach kids in Illinois what parenting involves *before* they become parents."

But as Frances Barry, a psychiatric social worker for the DuPage County Health Department pointed out, such efforts require financial support: "The state should provide more money for crisis lines and crisis nurseries. There the child could be removed temporarily from the parents for safety. Parents should be understood and evaluated in more detail. The initial reaction of most people is to punish the parent. As professionals that's the last thing we should do."

Others stressed that financial support is also needed for increasing the number of social workers specializing in child

## More money and cooperation at the state level

AS IT turns out, the Department of Children and Family Services (DCFS) may get an additional \$5.5 million for fiscal 1979 to help cope with child abuse. Gov. James R. Thompson announced in October he would seek General Assembly approval during the fall session for the increase. Initially, he had asked for an extra \$400,000, but the request got lost in the shuffle during the closing days of the spring session. The additional funds are needed because DCFS estimates it will have about 11,750 additional child abuse cases in fiscal 1979. Sponsors for the new appropriation include Sen. David J. Regner (R., Mount Prospect) and Rep. Peter P. Peters (D., Chicago).

If the funds are appropriated, DCFS will hire 210 more caseworkers as well as some clerical and supervisory personnel.

abuse, improving training of medical personnel so that they can properly respond to the problem, and increasing the number of parenting education classes at the high school level.

## Punishment for parents

Although the thrust of the conference was towards prevention and treatment for the abusive parent — rather than prosecution — not everyone was in agreement. Dr. George Fischer of Wilmette is a 79-year-old retired ophthalmologist and general practitioner. He is on the Board of Trustees of the Illinois Masonic Medical Center. A physician for 51 years, he also practiced medicine for many years in downstate DuQuoin. "I've seen more cases in the Metropolitan Chicago area than in the small town," said Dr. Fischer. "Today a lot of parents are confused and unhappy, and they take it out on their children. Families are separating, and children are also the ones who suffer. I feel that the violators should be prosecuted. Children should be taken into custody and provided care by the state. The situation is just awful, and we've got to tighten up the penalties and take these children out of the situation."

Most juvenile officers attending the conference also disagreed with the family therapy approach as an *initial*

according to Tom Teague, DCFS administrator for community relations. He said the department will spend \$2 million to purchase followup services from private agencies.

DCFS is also in the midst of an internal reorganization. In October, the department completed its appointments of new regional directors (see *Names*, p. 32).

Realizing child abuse is a mutual concern, DCFS and the Department of Law Enforcement (DLE) teamed up in October to offer a statewide training program which will involve 3,000 caseworkers and state and local law enforcement officers over the next year.

The training sessions are being taught by a team of DCFS and DLE instructors who explain the different responsibilities of the two agencies and their common problems, such as how and when to share information and how to spot signs of child abuse. Teague said, "Getting people together in something other than a crisis situation is important. . . . The DCFS and the DLE haven't really been at odds with each other, but they haven't known what to expect of each other."

treatment method. "I've seen too many dead kids," said Cmdr. Harold Thomas, head of the youth division, Chicago Police Department. He led the workshop called "The police role in child abuse." "I don't subscribe to the concept of keeping the family together," he said. He would like to see the primary emphasis focused on the child rather than the family. Thomas's department consists of 600 officers and 200 social workers. One of Thomas' youth officers present at the workshop voiced the opinion that the social agencies are "too inbred and powerful." Agreeing with Thomas, he said that children "should not be put right back in the home." Commander Thomas compared the crime of child abuse to rape, in terms of the public's reluctance to report it. In 1976 his department handled over 2,000 severe abuse cases, and he estimated an annual 20 per cent rise in reporting.

Judges also receive a lot of criticism for being too lax on child abusers. The conference luncheon speaker was William Sylvester White of the juvenile division, Cook County Circuit Court. He spoke about the limitations of the courts. First was the "after the fact" nature of court intervention. The second limitation lay with proof requirements. Judge White advocated doing away with immunity in abuse cases. "Children should be protected fully from assault,"

he said. "If a man breaks another man's jaw, he is punished. If he breaks his child's jaw, he's reprimanded."

Clearly, the disagreement at the conference was a matter of focus. The people who believed in prevention and treatment wanted to focus on those who could be helped, while recognizing the need to punish the psychotic few who might go on beating their children. Those who believed in punishment had little faith in the ability of the overcrowded courts, the law or the understaffed social agencies to separate psychotics from those who can be helped. Many pro-punishment people pointed out that every day we read in the paper about some supposedly rehabilitated criminal who has gone out and committed a robbery, rape or murder. Likewise, they wondered if a lot of sociologists and psychologists are using big words like "rehabilitation" and "impulse control" while turning loose a lot of sick parents who are going to beat and maim their children until we see it in the headlines.

Janet Hartley, executive coordinator of the Day Care Crisis Council of Illinois, attempted to close the gap between the prevention-and-treatment point of view and the punishment point of view. She stressed that — for preven-

Although the thrust of the conference was towards prevention and treatment for the abusive parent — rather than prosecution — not everyone was in agreement

tion and treatment to work — the psychotic parents *must* be distinguished from those who can be helped.

"There is a small percentage of parents and other adults for whom no amount of support service will change their behavior or totally prevent an attack on the child. In fact, a study in North Carolina identified a number of parents as high-risk abusers immediately upon birth of their children. A majority of these people — even with all types of social support services — *did* end up abusing their children anyway. So there is a small percentage of cases in which the child should be separated

from the family.

"But let me stress that this is a minority. I think it is atrocious that the only time the general adult population gets concerned with basic needs of children and families is when there's a headline about a child getting thrown down an elevator shaft. Support systems can help the vast majority. We have to think about those who can be helped."

## Programs that work

An important part of the conference was a "Showcase" of 20 successful programs for combating child abuse throughout Illinois. These programs are mainly community-sponsored, community-funded and community-staffed, although some have grants from the DCFS and other state agencies.

Showcase projects included: the Children, Family and Youth Advocacy Council, Belleville; the Family Advocate Project, Winnebago County; Family Focus, Evanston; the Family Stress Consultation Team, Springfield; the Family Support Center, Aurora; and the Juvenile Protective Association Program, Chicago.

Many of the programs provide "crisis counseling" — 24-hour a day assistance to parents who feel that they are about to beat their kids. Besides this short-term intervention, most of the 20 programs provide long-term counseling.

The Family Support Center in Aurora is a good example of a successful community-based organization. Executive Director Nancy Mickelson said the center was created because Aurora parents wanted to be able to get help within the community before having to report a problem to the state. Funded by six sources, the three-year-old Aurora facility has both paid and volunteer workers. "Twenty-four hours a day people can call us for counseling. They can come in to us for help, or, if requested, we'll go out to their homes. We help a couple-hundred families a year through parenting training, individual counseling, support groups and even job counseling," Mickelson said.

The many success stories in the showcase programs reinforced Hartley's contention: although there are a number of parents so psychotic that they should be locked up, most are within the realm of being helped. It's a matter of making

sure that the ones who should be locked up *are* locked up and getting help to those who can use it before their patterns of abusiveness and other problems get too far out of control.

## Proposals and resolutions

A number of proposals and resolutions grew out of the conference:

- In March Gov. Thompson had announced a proposed 1979 increase from \$13.4 million to \$14.1 million in funds for the DCFS. At the conference he announced that he would support an increase of \$400,000 over and above this amount to provide between 30-40 more case workers to deal specifically with child abuse (for an update on DCFS funding, see box).

- Evette Zells, the governor's assistant on children's affairs, proposed to set up eight regional conferences around the state in order to coordinate services of various state and private agencies. This proposal was submitted in July to the U.S. Department of Health, Education and Welfare for funding.

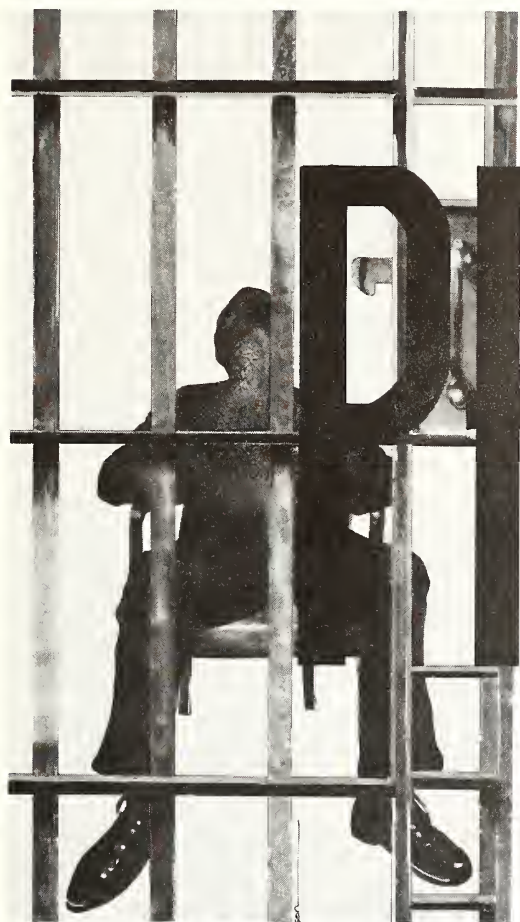
- The conference passed a resolution urging Gov. Thompson to "introduce into the current session of the State Legislature, a bill to amend article 21 of the School Code of Illinois to include a requirement of an academic course on Child Abuse and Neglect for certification for all teachers in the State of Illinois beginning in 1980."

- A number of conference participants — including individuals and private agencies — made "contracts" with the Illinois Chapter of the NCPA to make improvements in existing programs, to establish new community-based programs and to work for legislation in the field of child abuse.

Ann Rohlen, a member of the Junior League of Chicago who served on the conference steering committee, summarized the hopes of the conference organizers: "Look at the 1,000 people who came to this conference. They're all terribly enthusiastic. If each one of these people does one small part, it will make people in their communities just as enthusiastic. There will be a snowballing effect. They'll really move their bodies and minds to coordinate solutions.

"It's certainly time to stop talking about problems and solutions and start doing something. It's time for action, and that's what we're starting to have on the problem of child abuse in Illinois."□





# PRISONS

What's going on behind the walls?

WHAT are prisons for? Are they places where wrongdoers are corrected and rehabilitated, or are they designed only to "pen" and punish criminals? The consensus among corrections personnel seems to be that Illinois prisons are primarily functioning for the purpose of confinement: "I don't think any rational person can indicate that anything but punishment is the main reason for prisons," Illinois Department of Corrections Director Charles J. Rowe says. But he adds, "It's not the sole reason. We're trying to return offenders to society as constructive citizens."

Such reform is mandated by the state Constitution, which says in Article I, Section 11, "All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." But what kind of job are they doing?

Secondly, who are prisons for? Before they existed, criminals were fined if they were too rich to be whipped, and

whipped if they were too poor to be fined. Is economic status now a barrier to equal justice?

Since prisons are so largely ignored, they develop huge, grotesque excesses from time to time. The press, or other reformers, find out and tell us about the filth or overt cruelty going on and we click our tongues (it's just what we had always suspected).

Incremental reforms are forever forthcoming; some actually improve conditions behind bars, most only complicate matters for awhile. It is probably not demonstrable that generations of penal reform have brought any absolute progress toward relieving human suffering in average American prisons.

## Overcrowding in prisons

Illinois is no special case. Our state prisons are desperately overcrowded, with 10,450 convicts packed into facilities that should hold no more than 7,500, by federal government standards.

But, nationwide, 40 states are experiencing similar critical prison overcrowding, according to *Corrections Magazine* (March 1977).

Conditions in Illinois prisons are not very good. A study prepared for the Illinois Department of Corrections last May recommended that the four largest prisons in the state should be abandoned, since they are dilapidated and dangerous to inmates and staff. It also called the Menard Branch of the Illinois State Penitentiary "one of the worst prisons in the United States." That report, issued by the National Clearinghouse for Criminal Justice Planning and Architecture, was almost immediately suppressed, disputed and repudiated by the state corrections department. Director Charles J. Rowe said, "The report lost touch with reality in terms of what this state can afford. Philosophically I'm not in disagreement with the plan, but I'm afraid there were too many very bright young people, just out of college, writing this thing and the results were not very practical." Rowe claims that

enacting the plan put forward by the Clearinghouse would result in only 6,000 beds for prisoners in Illinois at a cost of \$850 million.

## Building new prisons

Illinois has built only one new prison in the last 40 years and operates three facilities that are at least 100 years old (Joliet was built in 1860, Pontiac in 1871 and Menard in 1878). Yet the state legislature approved, in last year's November special session, the construction of two new medium-security pris-

ons in the next two years, at a cost of \$58 million.

The two new pens will both be located downstate, at Hillsboro and Centralia, despite calls from prison reform groups like the John Howard Association and the American Civil Liberties Union asking that at least one new prison be built in the Chicago area. Since Chicago is the place where most of the prisoners in Illinois come from, there was pressure to build a prison nearby so that relatives could more easily visit inmates, and so that the guards and staff of the prison would have more in common with the

prisoners.

But the selection process, aimed at finding acceptable sites as quickly as possible, dismissed upstate locations. The Thompson administration called for counties and communities to submit survey forms if they were interested in having a prison located nearby. No Chicago-area communities applied. There were 20-odd applicants. All those north of Springfield were rejected after public hearings held in the 17 places that seemed to qualify as sites. In some cases the promoters of the sites simply changed their minds. In other cases the

*"There are people in our society who should be discarded."*

— Spiro T. Agnew

MENARD State Prison is a place where people are discarded. It is well-designed for the purpose. Located in a remote corner of southwest Illinois, it lies like a fat gray rat at the bottom of a hill overlooking the Mississippi River.

Menard is 100 years old and was built at a time when the idea of fortress prisons was becoming popular. It is a maximum security prison and, like others around the nation, is desperately overcrowded.

Last year Menard was called "one of the worst prisons in the United States." Yet it costs more money to send a prisoner to Menard for one year than to send a student to the University of Illinois. The average low-income family in Chicago makes less than it costs to keep a prisoner here for a year. Fortunately the state pays for it. Otherwise who would go?

We recently went to Menard to talk with prisoners and administrators about the new Class X felony policy which went into effect February 1 (P.A. 80-1099). The first man interviewed was Assistant Warden Ken McGuiness.

"Prisoners have several reactions [to Class X]," McGuiness said. "They welcome the determinative aspect of it [in sentencing]. But they would prefer no parole board; they don't like the option [of choosing a new, fixed release date or sticking with their present sentence, with hopes of parole]. But they see it as a definite crackdown, with stronger, lengthier sentences." McGuiness said that the concept of day-for-day good time is already an accepted practice. He said Class X would not have much effect upon the way prisoners are treated. "A guy in here presently will go to the parole board and be given an option of taking a determinate sentence release date [or

By GARY ADKINS

## Inside Menard State Prison: How will Class X effect prison life?

sticking with the present sentence]." What they choose will depend on which method they think will get them out the soonest, McGuiness said. "Most of these guys already have that figured out, down to the day," he added.

Critics of Class X say that it will worsen the problem of overcrowding in Illinois prisons. When asked if Menard is overcrowded now, McGuiness first smiled broadly, then leaned back in his chair and laughed loud and heartily to himself. "I've got a desk drawer full of lawsuits saying we're overcrowded," he said. "And you ask if we're overcrowded? It's a stupid question."

But McGuiness refused to speculate on the effects of Class X. He did say, however, that since a study was released last year condemning Menard for poor sanitary conditions, lack of adequate medical care and insufficient space, conditions have improved tremendously. "Since then we have opened an annex; we obtained the Chester mental health center, and with substantial capital development renovation we've opened a

400-bed living unit there." He said a new multi-purpose building with recreational facilities was being built, the prison medical unit had been renovated, and the cell house had been divided into two units. "We've improved the sanitation and plumbing, and we can't do much else but expand," McGuiness said.

What do prisoners think of Class X? We talked to four members of "Lifers Incorporated" to find out. "Lifers Incorporated," they explained, is an organization for prisoners serving at least a 20-year minimum sentence. Its goal is to improve the image of prisoners, as well as the quality of life behind bars. The prisoners interviewed all appeared proud of the accomplishments of their organization. They said it had been largely responsible for getting recreational facilities built, a snack bar opened, stereo in the dining room and air-conditioning installed in the visitors area at Menard.

The four prisoners interviewed were: Jack Stevens, Charles Williams, James Hyde and Robert Stock. "We don't know the true story of it [Class X]," said



public reaction was so strong against building a prison in the area that it seemed hopeless to press on. Opponents of a proposed prison site in East St. Louis included many inmates at Menard Correctional Center from the East St. Louis area. "I would detest a flock of hardened criminals around my family or even closer to them," said one inmate in a letter to a local newspaper. "I cannot believe that my fellow citizens would consign the future of their children to such a fate," said another. But the sites have now been chosen and new prisons will be built and filled: two

750-bed prisons.

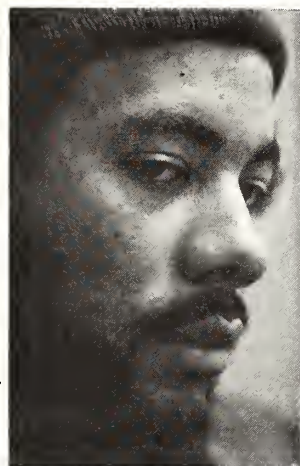
The new prisons will probably be filled to overcrowding as soon as they are completed. It is a rule of prisons that no space is ever left vacant. Illinois already has enough prisoners to assure that the rule won't be broken soon. Yet the state may generate more prisoners, and keep them behind bars longer, under the new "Class X" sentencing law (P.A. 80-1099) — which took effect February 1.

According to Jeanette Musengo, associate director of the Illinois Prisons and Jails Project (a privately-funded

reform group), "Initially Class X won't have any effect. We'll have to wait and see how judges use it, especially the discretionary powers — they'll have to double the maximum sentence for heinous crimes and repeat offenders." Some prisoners, of course, will be released early if they opt for a fixed sentence and get day-for-day good time.

## Growing problems

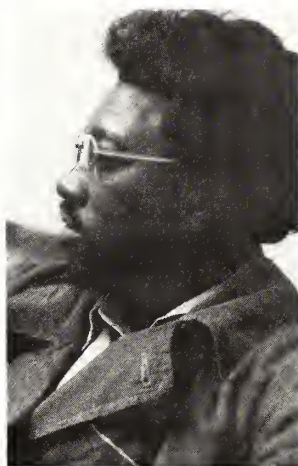
But regardless of the effect of Class X, the prison population in Illinois is



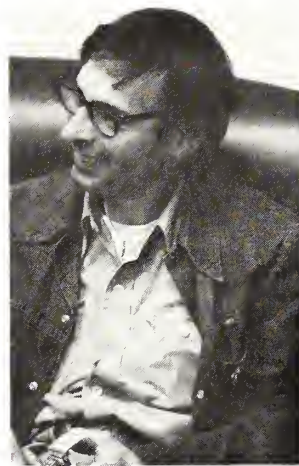
Charles Williams



Jack Stevens



James A. Hyde



Robert Stock

Stevens. Stock agreed, saying he didn't think the press had done a very good job of reporting about it. "It's damned important," Stock said. "It will affect us by atmosphere. It will create a policy of longer sentences that will hurt the lifer's chances of ever getting out."

What about those serving short terms? "The average short-termers like it," said Jack Stevens. "It will let some of them get out early. My cell mate, for instance, has been driving me crazy telling me how he's gonna get out in a couple of months."

"It will help the burglars the most," added Stock. "It's also going to help the Prison Review Board," he said with a laugh. "Its members all get a \$5,000 a year raise."

What about overcrowding? Present conditions are "terrible," according to Stevens. "There should be one man to a cell. The prison is set up for one." There are two and three men in most cells at Menard.

Charles Williams agreed the crowding is "pretty bad" and that Class X will most likely make it worse. "It's already hard on

morale," he said.

As for Class X's day-for-day good time provision, Williams' immediate reaction cannot be politely quoted. "We get more than that now," he said. "You get about a day-and-a-half for good time now."

James Hyde, who arrived at the Warden's office late, agreed with his fellow inmates about the effect of Class X. "It will be worse," he said, shrugging off jokes about his new haircut, which had apparently delayed his arrival.

What do prisoners think should be done to improve the prisons? "Invest more in the penitentiary," Hyde suggested. "Give guys doing long terms some consideration."

"Revamp the whole criminal justice system," suggested Stevens. "For crimes against property, make people pay back the victim. It's pretty cruel to put a guy away for years for that."

Williams disagreed with the concept of financial restitution as a solution to crime. "Do something about the causes of crime," he said, naming unemployment as an example.

"When are they going to stop talking about professional criminals?" asked Hyde. Stevens agreed, "There aren't many of those. Most lifers are in for crimes of passion," he said. "Professional criminals are the lying, roguish-assed politicians," Hyde added.

"Class X makes people in prison more desperate," concluded Stock. "It won't stop crime, because when people commit crimes they naturally assume they'll get away with it."

Walking down a row of crowded cells later, one could easily believe that none of the occupants had ever expected to end up there. Most were languishing in their bunks watching game shows on small television sets. Others were playing cards or looking at magazines. A few simply sat, staring at the floor or the bars of their small, numbered cages.

At Menard there are 2,600 men in facilities designed for about half that many. It is typical of the kind of place that most Illinois prisoners are kept in. It looks crowded. The prisoners think it is going to get worse.



expected to grow by several thousand by 1980, with up to 17,000 inmates by 1985. Even to relieve present overcrowded conditions and meet federal standards would cost the state "at least a billion dollars," estimates Musengo.

Conditions in Illinois prisons are such that at Stateville, near Joliet, prisoners live three to a cell in an eight-by-five foot cell designed for one prisoner. "You can't guarantee anybody's safety in a place like this," says Warden Ernest E. Morris of Stateville. Reports of extortion, gang rule, homosexual rape, beatings and stabbings are not uncommon in Stateville, or in any other maximum-security prison.

If one is locked up at Joliet, Stateville, Menard or Pontiac, the state is no longer really in charge. The state will only guarantee food and clothing, and the food will not always be good tasting and the clothing may not always be clean. The state apparently cannot guarantee a prisoner a regular shower, decent medical care, working toilets or physical protection. Some prisoners have jobs inside and some outside, some have exercise programs or sports. There are psychiatric specialists, counselors and chaplains. There are prison newspapers, movies, art classes, vocational courses, prison libraries and transactional analysis sessions, but there are no vacations. The deadening boredom and paradoxical threat of violence are constants of life behind bars.

## Reducing prison size

In Illinois, prison conditions vary remarkably. First there are the so-called model correctional facilities, like Vienna, which has no walls. It has cottage-like living quarters beside a lake and gives its exemplary inmates a tight schedule of work, study and recreation (including tennis and fishing). On the other extreme there are the four ancient, crumbling maximum-security prisons. These have hundreds of men, who are locked up in tiny cells for as much as 20 hours a day because the prison has nothing for them to do. According to a federal government suit, filed in late 1976 against the state corrections department, some of these places have inadequate ventilation, lighting and heat, and are infested with cockroaches, rats and mice. The same suit charges that black prisoners are assigned to cellblocks on the basis of race and

## Prisoner's cell at Menard



Photo by Jerry Mennenga

denied equal access to various prison programs.

These are the prisons that the national clearinghouse recommended be torn down or radically altered. Unfortunately, these are the four prisons that house the most prisoners — more than 80 per cent of the state's 10,450. The clearinghouse report was also critical of all the medium-security prisons in the state, finding the only "satisfactory" prisons were the small ones: Vienna (with 579 prisoners), Sheridan (325), Dwight women's prison (269) and Vandalia (an "honor farm" with 643 inmates).

Unfortunately, these small prisons are also the most expensive ones. The annual cost per inmate at Vienna is \$10,346, at Sheridan \$12,062, at Dwight \$13,317; whereas at Stateville the annual cost per prisoner is only \$5,575, and at Menard only \$5,094, and so on.

## Expanding further

As mentioned, the federal government has brought suit against the state Department of Corrections, charging overcrowding and unsanitary conditions in Illinois prisons. At the time the suit was filed, Ira Schwartz, then executive director of the John Howard Association, a prison reform group

(more involved with case-by-case reform than the Prisons and Jails Project), said that Illinois may have the worst state prisons in the United States. Such a change is hard to support in view of the fact that Alabama, for instance, had such bad conditions in its prisons that the federal government — in the person of U.S. District Court Judge Frank M. Johnson — took over the management of the state system there, imposing new standards on treatment and facilities for prisoners.

Yet, Stateville and Menard come nowhere near meeting the standards for safety, cleanliness and roominess imposed by federal judges in Alabama and elsewhere. Thus, prison officials here think it likely that the courts may order a large transfer of prisoners from the four big, bad maximum-security prisons. Others have suggested the likelihood of federal court intervention in the running of the system itself.

The question may then arise as to whether the two new 750-bed prisons will have to hold more people than planned, and whether there will be enough room elsewhere. The corrections department has already begun to solve the second problem. It is converting a developmental center at Lincoln into a 700-bed medium-security prison. Another 350 beds will also be made available from expansions at Sheridan, Dwight and Pontiac. Construction of a medium-security prison at Eddyville in Pope County may also come next year, according to Gov. James R. Thompson, if funds are available.

## Deterring crime

Meanwhile crime goes on. It remains to be seen whether Class X will have any effect on the crime rate in Illinois. "If we doubled the number of people in prison," criminologist David Fogel says, "the crime rate might improve a couple of percentage points, but not much more." Fogel explains this by saying that only about one or two people go to prison for every 100 reported crimes, and only one of every three crimes is reported.

Still, there is value in prisons as places of punishment, according to Harvard professor James Q. Wilson. Wilson believes that the higher the probability there is of punishment, the greater will be the reduction in the crime rate. Wilson also says that juvenile offenders



should be imprisoned more often, since they show the highest rate of recidivism to crime.

Others have different views. Reform groups say that alternatives should be found to imprisonment for most offenders — those who are not already “hardened” to a life of crime. They say that probation, work-release and community help programs are more effective than the pen. “I’ve been a prison warden and I don’t know whether rehabilitation is any panacea, but one thing’s for sure. You can’t have people sitting on their asses from three to five years,” says William Nagel, director of the American Foundation’s Institute of Corrections. “You’re preparing them for nothingness,” he says. Michael Mahoney of the John Howard Association believes that up to half of those in prison in Illinois now could be released without menacing society. Probation and community alternatives are favored by his organization, as well as by the President’s Crime Commission, the National Advisory Commission on Criminal Justice and Goals, the Advisory Commission on Intergovernmental Relations and the National Council on Crime and Delinquency.

## Looking at inmates

Just what kind of person is currently going to prison in Illinois? The typical inmate is a black male, 27 years old. He has been sent away for a 10-year maximum, but he will get out after serving 2.5 years (before Class X). Figures released in a U.S. Justice Department census also show that only 9 per cent of Illinois prisoners have been in the pen for six years or more. Just 25 per cent have been there for over three years.

The same study also showed that 58 per cent of all prisoners in this state are black, while blacks make up only 13 per cent of the total population. Robbery is the most common crime that puts a man or woman in an Illinois prison; robbery accounts for 28 per cent of prisoners’ sentences. The second most common crime is burglary, which brings 16 per cent of all sentences in Illinois. Moreover, black prisoners are given longer sentences and serve more time than whites. Asked why this was, state Corrections Director Rowe said, “I honestly don’t know what that indicates. The percentage is going down [the

last survey showed that only 53 per cent of prisoners were black]. I suppose that it’s because a lot of our cases come out of Cook, and many can’t afford a top-notch legal defense.”

Figures indicate that blacks are more likely to be imprisoned for crimes of violence than whites, who are typically sentenced for property crimes, like burglary. Robbery is the most common crime for which black people are incarcerated.

Armed robbery is one of the Class X crimes for which lawbreakers will be

## The prison population in Illinois is expected to grow by several thousand by 1980, with up to 17,000 inmates by 1985

put away an average of nine years (if they keep all their day-for-day good time). This is an increase of 5.2 years from the average number of years that used to be served for Class X-type crimes.

Underlying the problem of unequal sentencing of minorities are economic inequities. Prime among these is joblessness, which traditionally runs three times higher among blacks than among whites, and even higher among young blacks. “Underemployment” — in low-paying jobs — is also a problem.

Another underlying cause of crime is undereducation. Illinois does not have complete figures on such things, but data from other states indicates that the typical inmate is a high school dropout with little more than two years of secondary education.

## Improving prison life

A recent report by the Academy for Contemporary Problems asserts that prisons do nothing to reduce crime on the streets. “Society must seek changes outside the criminal justice system if street crime is to be significantly reduced,” the report says.

But how can prisons themselves be improved? The solutions all seem to be

expensive. Building many new prisons or improving existing ones so that inmates have room to breathe, or increasing the size and quality of treatment programs would cost the state money it apparently does not have. Funding may even be an obstacle to the institution of private conjugal visits or family visits for unmarried prisoners. Such concepts are continually before the Illinois legislature, and money is always an argument against them, as is the fear of being “soft” on criminals. Proponents say conjugal visits would assuage the problem of marriages that dissolve when one spouse is imprisoned for a long period of time. Others ask why sexual privileges are denied prisoners at all, since sex is a recognized human need. But advocates admit that it would cost several thousand dollars at each prison to set up rooms or trailers where any visits could take place.

“If it comes down to a choice between funding prisons or funding schools, I’d have a hard time picking prisons,” admits state Corrections Director Rowe.

Inmate Robert Russo offered an alternative last December in a *Menard* (prison) *Time* column. Russo wrote: “A few years back Holland proclaimed to the world (though few listened) that it had dropped by over one-half the number of people confined within its prison system. It seems the judges . . . decided they would give out ‘short,’ not long, sentences. No one got over four years — not matter what they did — and most walked the streets again within a year. Careful and detailed studies of the consequences to the community revealed that there were no increases in crime; no rise in murder, rape or other heinous crimes; no skyrocketing burglaries, robberies and the like. The underlying secret of Holland’s success was providing the prisoners with ‘employable skills’ and a good transitional program that put them in the natural environment as quickly as possible . . . Just as a by-product, millions and millions of taxpayer dollars were saved.”

Of course, most people would not sympathize with such a ‘mollycoddling’ approach to crime. “The public,” says John Grider, deputy director of the Oklahoma corrections system, “would like you to dig holes in the ground, lower the inmates into the hole on a rope ladder and then pull up the ladder.” □

Photos courtesy Department of Business and Economic Development



# The Industrial Sweepstakes

1978 MARKS the year that Illinois got terribly interested in the "Industrial Sweepstakes," the new high roller game sweeping the 50 states. The object of the game is for a state to provide enough juicy business incentives to entice the executives of a major corporation to locate their new multi-million dollar factory within the borders of that state. The business incentives can take the form of low interest loans, reduced state and local taxes, free highways to the factory or free manpower training.

Illinois got suddenly interested in this sweepstakes for a variety of reasons. First, political and industrial leaders started taking a serious look at the real economic and revenue base of the state, which, despite an impressive agricultural element, is still industrial jobs. Nearly 1.5 million citizens of the state are employed in manufacturing concerns, and almost every study of the future growth of the state has shown the need to increase that base dramatically by the year 2000.

Secondly, notwithstanding nearly 10 years of indifference bordering on hostility, it has now become more

fashionable in Illinois to make concessions to industrial growth. The skepticism and the anti-corporate attitude of the 60's appears to have died even among the young. In its place has emerged the pragmatic view that business creates jobs, and full employment is the answer to a myriad of social ills including crime, drug addiction and expensive welfare payments.

Another reason why industrial growth is suddenly so appealing is that it appears to be the easiest and quickest way to bolster a region's economy. Economists tell us that factory jobs create a ripple effect in their community. Each job in a primary plant creates an additional full job in a plant which supplies materials to the primary plant, and another three-fourth's of a job in a retail establishment (a bank, restaurant, etc.) which serves the employees of the primary plant.

Yet although state officials and business leaders had known of such economic facts for years, they had made only marginal efforts to provide state incentives for such growth. What then made 1978 the year to get concerned? The simple truth is that Illinois was found to be falling far behind its competition in attracting and retaining industry.

Contrary to popular belief, Illinois's primary competition for such industrial

expansion is not from southern states in what is commonly called "The Sunbelt." David Pals, former industrial development manager for the Illinois Department of Business and Economic Development, states: "In reality we rarely compete with the Sunbelt states because most major U.S. companies that Illinois recruits need regional plants in all parts of the country, including the Midwest, for distribution purposes." Pals concludes that Illinois' real competition is those other "midwestern industrial states such as Ohio, Michigan and Wisconsin, who are all just as eager to retain their industrial base as is Illinois."

## Ford plant war

It was probably the widely publicized "Ford Plant bidding war" of 1977 that showed the state's leaders just how few incentive cards they had in the bidding sweepstakes with their regional opponents (in this case Michigan and Ohio). After the first round of bidding, in which local officials including Chicago's Mayor Michael Bilandic and Gene Wheeler, manager of Springfield's Industrial Development Council, made local site and utilities concessions, things were still close. In Wheeler's own words, "We were relatively even." However, after the next round in which Ohio and Michigan laid out their state incentives,

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the Illinois hand was depleted and the state folded and went home. The plant ended up in Batavia, Ohio.

Not surprisingly, industrial incentives became one of the major themes of the 1978 spring legislative session as the General Assembly and both gubernatorial candidates sought to provide the chips to permit Illinois to "ante-up" in this new bidding contest.

Over 20 major pieces of legislation were introduced, each dealing with the subject of industrial incentives. House Republicans offered a seven-point "Job Stimulus Package," sponsored by House Minority Leader George Ryan (R., Kankakee). Democrats countered with a six-point program named after their gubernatorial candidate and called "The Bakalis Economic Revitalization Plan."

By the end of July, three major incentive bills had passed both Houses and had been sent to the governor for his approval. Those bills were:

**H.B. 3167** (Madigan, D., Chicago-Redmond, D., Bensenville), a bill designed to bolster the bonding authority of the Illinois Industrial Authority, an independent state agency which makes low interest, start-up loans for new industry. Previously the agency had been handcuffed by language in its act restricting: 1) the dollar amount of its annual bond sales to \$500,000 a year, 2) the interest it could pay on such bonds — 6 per cent per year, far below the market rate, and 3) where it could loan its monies — only in counties where unemployment exceeds 6 per cent. **H.B. 3167** would make the authority a valid benefactor for industries unable to obtain conventional loans by permitting the authority to loan money statewide (with a maximum loan of \$10 million per project) and to sell up to \$100 million worth of bonds per year, paying interest at the going market rate.

**S.B. 736** (Egan, D., Chicago) would establish an exemption from the 5 per cent sales tax for all purchases of new machinery and equipment. This machinery and equipment would have to be used in manufacturing or assembling operations in existing, expanded or new manufacturing facilities. The bill as amended was tailored to the governor's request that this exemption be phased in over a six-year period. Manufacturers would receive a 31.25 per cent exemption the first two years with the exemption increasing an average of 17.5 per

cent over the next four years until the exemption is 100 per cent in 1984. The cost to state and local governments in lost revenue would be \$19 million in 1979 and \$182 million in 1984.

**S.B. 1583** (Schaffer, R., Crystal Lake) was actually not a separate piece of legislation, but an amendment to the budget request of the Department of Business and Economic Development (BED) for a large increase in its advertising budget. Since this state department does the primary job of selling the State of Illinois to prospective industry in other states and in foreign countries, its advertising budget was increased this year from last year's figure of \$47,500 to \$144,000, over a 300 per cent increase.

In addition, three other major business incentives received a great deal of attention and discussion, but were not passed by the General Assembly:

**H.B. 2738** (Ryan, R., Kankakee) would have provided free job training for any new or expanding industry through state grants to community colleges or vocational training centers in the vicinity of the proposed industrial growth. Each training program would be geared to the specific skills and machinery needed by the specific employer.

**H.B. 2552** (Shumpert, D., Chicago) would permit a parent corporation to establish a branch plant in an area of high unemployment (Model City areas). It would also permit these branch plants to be exempt from all state or local taxes for a period of up to 10 years.

**H.B. 2737** (Ryan) would permit county boards to waive their portion of local property taxes on new industry locating within the county for a period not to exceed 10 years and for an amount not to exceed \$1 million.

## Illinois playing catch-up

Even if all six of these business incentives had passed this spring's General Assembly, no politician would have been honestly able to guarantee his constituents that Illinois would attract a single new industry as a result. The reason is that while all these new incentives would have immediately placed the state in the forefront of innovative industrial recruitment if they had been enacted 10 years ago, things have changed drastically during that time. Today's situation finds many states with inducements that rival or

surpass these.

For example, during the height of the Ford Plant bidding, Ohio's feisty governor, James Rhodes, personally went before the Ohio legislature to convince it to pass a total sales tax exemption on the purchase of all new machinery. He did this simply to keep up with Michigan which had approved a similar exemption the year before. Therefore, Illinois' recent sales tax exemption is certainly nothing new, and even its current six-year phase-in provision, will not permit it to reach full parity with Michigan and Ohio until 1984.

While Illinois' Industrial Authority will now be able to loan up to \$100 million in low interest start-up loans to new industries and up to \$10 million to any one company, this will still leave the state well behind the State of Pennsylvania, whose bonding authority may loan out over \$300 million per year and an unlimited dollar amount per project. Even more disturbing is the fact that despite the over 300 per cent increase

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**'Illinois' real competition is those other midwestern industrial states such as Ohio, Michigan and Wisconsin who are all just as eager to retain their industrial base as is Illinois'**

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in BED's advertising budget, the department still spends less than 5 per cent of the annual \$3 million spent by its counterpart in the State of Michigan to attract new industry. Another indicator of Illinois' disadvantage in this area is that the State of Ohio ran three full-page ads in the influential *Wall Street Journal* last winter informing business about the advantages of relocating within that state. The total cost of just those three ads was \$120,000, or 90 per cent of Illinois' entire advertising budget.

The same criticism can be leveled at the three other incentives which were considered, but not passed by the General Assembly. Wisconsin is one midwestern state that has already passed legislation providing for 100 per cent free job training to its new indus-

tries, an incentive which Sunbelt states also provide for new arrivals. And, according to the *Detroit Free Press*, one of the major advantages for Ohio in its successful effort to secure the Ford transmission plant was the ability of the state's Claremont County to waive under Ohio law the county's property tax for a period of 20 years.

In addition, both Ohio and Michigan have been experimenting with the concept of providing tax exemptions for factories locating in declining urban core areas. In 1976, Ohio passed the Impacted Cities Act which provides reduced property taxes for those factories; and this July, the Michigan General Assembly approved similar incentives for firms locating within the City of Detroit.

Therefore, despite some rather impressive strides forward during the past legislative session, Illinois is merely beginning to engage in a competitive situation that is too important to ignore, but may be too expensive to play.

## Potential pitfalls

Attracting a new industry to a state under the new rules of competitive state bidding can create as many problems as are solved by all those new jobs and new state revenues which would be generated by the new industry. As indicated previously, under the new Industrial Sweepstakes rules, just playing the game can become expensive. Under the old recruitment process, states sat back and let the industries come to them. Generally, if an industry liked the location, the transportation and a community in a given state, it moved there. Most of the direct negotiations were handled by the local community.

However, in the mid-70's, the old recruitment process became obsolete. Perhaps it was a result of the recession and high unemployment, but companies started noticing that they could play one eager state against another and get higher concessions from all.

According to Will Scott, vice president for Ford Motor Company of North America, this system of competitive bidding has existed between European countries for a number of years. "You'll be seeing a lot more of it in this country now that industry sees that it works," says Scott.

Probably the first large-scale instance of this kind of bidding occurred in 1976

between Ohio and Pennsylvania with the grand prize being the first Volkswagen assembly plant to be established in this country. Pennsylvania "won," but the cost to the state in inducements to the company was staggering. According to one report, "Pennsylvania's incentive package for Volkswagen included \$100 million in loans and grants, \$20 million in highway improvement, \$10 million for a railway spur and a half million dollars in worker training funds."

In the case of the 1977 Ford plant bidding, the final bids for the \$500 million facility were even more spectacular. *The Chicago Daily News* estimated that between state and local government inducements, both the states of Ohio and Michigan were willing to forgive future taxes and make direct grants in excess of \$84 million. These were direct revenue payouts by these governments and not partially loans as was the case in Pennsylvania.

The final bid included \$5.3 million paid by the State of Ohio to acquire and develop the building site, \$5 million in highway improvements, \$2 million a year in exemptions on state sales tax for new machinery purchased by the company and over \$3 million in free job training for the plant's new employees. In addition, and as mentioned earlier, local units of government also forgave Ford \$1 million on their local property taxes each year for the next 20 years.

The Ford and Volkswagen cases indicate some of the problems that may lie ahead for states that go blindly into the "Industrial Sweepstakes." For while both Ohio and Pennsylvania felt that the millions in state incentives that they paid to attract these companies were wise long-run investments in state growth, they may well have been nothing but long-range gambles.

First, in the case of the Ford plant, Ohio estimated that the 6,000 jobs created by the new plant would generate some \$5 million in annual tax revenue to state and local governments. However, if the estimates of the incentives given to the plant to locate are correct, these units of government will be paying out almost \$4.5 million of that revenue to the company, leaving a net gain of \$500,000 for the first few years of the plant's operation.

As the bidding war escalates between states — and there is presently nothing to indicate that it will recede — it is quite conceivable that state and local govern-

ments might find themselves actually paying *more* in inducements to the company than they are taking in in new revenue. What if during this short-term investment period, either the state or local unit of government (say a school district or county) found itself in a cash-flow shortage caused by its commitments to new industry?

## Leap-frogging

Another problem created by the states rapidly accelerating this bidding game, is that even as they are risking millions to develop highways, provide job training and encourage industries to buy new machinery, there are very few guarantees that these industries are even going to stay in a given locale long enough for the new revenue they generate to pay off the government investment.

Just as major league baseball players

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In the Industrial Sweepstakes competition, Illinois is at the crossroads. State pride, battered and bruised by recent defeats, is pushing political leaders into the fray

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have recently found it quite lucrative to play out their one-year options and then jump to another team, industries might find that other states are willing and able to provide them better facilities, more roads or more tax-free years. Therefore, uncontrolled bidding by states could lead to a "leap-frogging" phenomenon where major U.S. companies have nothing to lose and everything to gain by moving from state to state.

An even bigger concern to Illinois as it contemplates getting further involved in this frantic competition, is the effect that such a proliferation of incentives to new industry has upon existing industry in the state. States that buy land for out-of-state companies or provide low interest loans for industrial land acquisition may actually be harming their old industrial base.

First, they are creating tremendous ill will among plants that have remained in the state for years. These companies'



spokesmen complain, "Why should we stay in this state? They never offered to buy us property to expand or free roads to move our product." It may not be long before such indigenous companies are testing the waters in neighboring states.

Secondly, these states that subsidize new industry are creating unfair competition for their domestic plants, just as if they were directly subsidizing these firms' competitors. If Illinois were to have attracted the Ford plant to Springfield and were to have provided it tens of millions of dollars worth of free land and tax exemptions, what the state would in effect be doing is reducing the cost to Ford of each car the company produced. This savings to the company could result in a savings of \$10-20 per car produced at that plant. On the other hand, the Chrysler plant in Belvidere, Ill., which has been here for a number of years and employs just as many workers, would get no state incentives and its cars would cost just the same as Ford's to produce.

What will a \$10-20 reduction on Ford cars do to the market on comparable Chrysler automobiles? And further, how long could Chrysler compete with comparable Ford cars if it too did not start shopping around for inducements from other states?

## Direct competition?

While it appears inevitable that Illinois must get more involved with industrial incentives of some sort, there are alternatives to direct participation in what is rapidly becoming a fratricidal and perhaps ultimately futile, second "War Between the States." We have already discussed how Illinois' attempt to provide typical business incentives will only put the state on an even footing with other midwestern neighbors and continue to escalate the bidding.

However, what if Illinois were to emphasize and to develop attributes that only it could offer certain industries? For example, in 1976, the State of Massachusetts decided to bolster certain lagging industries by encouraging insurance companies to invest their premium assets in low interest loans to these industries. The reason Massachusetts picked the insurance industry was simple: the state is a leader in the number of national insurance companies domestically headquartered in the

state. This means that all these insurance companies paid a 2 per cent domestic licensing tax in order to be headquartered in the state.

Massachusetts told the insurance companies that it would forgive a certain percentage of this licensing tax for each \$100,000 loaned to certain industries in the state. So far, the plan has generated nearly \$27 million in low interest loans to these industries in the first year alone.

Such a plan could also work in Illinois which happens to be the second leading state in the number of insurance companies headquartered within its borders. The 91 different companies that call Illinois home have, according to the Illinois Department of Insurance, annual premium assets of \$13.7 billion. While Illinois does not presently have a domestic insurance tax similar to Massachusetts, it does have a 4 per cent corporate income tax which these companies must pay only in this state. If a viable exemption on the corporate tax could be devised for insurance companies that make low interest loans to Illinois industry, then these companies would be encouraged to make their considerable investments available to Illinois industries, thus making the state much more attractive to large industry.

Another unique feature of Illinois' situation is its position as the leading exporting state in the nation, having done more than \$9 billion in export sales in 1977. With this good reputation in the international market and the Port of Chicago's standing as an international port, Illinois recruiters might concentrate on firms that specialize in overseas trade. Illinois could encourage more of these firms to locate here by applying to the federal government to designate more of its river and lake ports as tariff-free international trade zones. This designation permits companies that receive raw goods from one country to process them duty free in this country and to ship the finished goods on to yet another country.

Perhaps even more intelligently, Illinois should play down the outside recruiting and concentrate more on a strategy of building growth among the major companies presently located within its borders. As BED's former manager Pals said earlier this year, "I'm more concerned about protecting what we've got from outside raids than I am

about taking that 100-1 shot at getting the new industry."

The same millions of dollars used to attract the Ford and Volkswagen plants could be used to keep existing residents happy. Perhaps these monies should be spent on tax incentives for renovation of existing buildings, free job training for expansion of plants and the improvement of existing transportation routes.

There is a growing recognition of Pals' contention on the part of state political leaders. During the last legislative session, attempts were made to amend legislation regarding sales tax exemptions for the purchase of machinery to include both new purchases and those for repairs of existing machinery. While these attempts failed, the discussion of industry retention did come to the forefront.

## The future

In the Industrial Sweepstakes competition, Illinois is at the crossroads. State pride, battered and bruised by recent defeats, is pushing political leaders into the fray. On the other hand, existing economic interests and dwindling state revenues are serving to temper the lawmakers' zeal for the game.

If Illinois should try to ignore the recent trends towards large-scale governmental planning to encourage industrial growth, it may well fall short of creating the some 320,000 new industrial jobs that the Illinois State Chamber of Commerce estimates will be needed by the year 2000 to maintain present economic growth. This figure is based on a 21.2 per cent growth factor.

There are, however, encouraging signs which indicate that both governmental and private leaders are organizing to make rational decisions on the questions concerning what path this industrial growth should take. Already three study groups — Illinois 2000 (organized by the Chamber of Commerce), Illinois' Futures Task Force (established by the General Assembly) and the Illinois Department of Local Government Affairs' Housing and Urban Development Study — have proposed to make long-term recommendations regarding these types of questions. The end results of their deliberations may well effect the economic future of the state far into the 21st century. □





Photo by Arnie Weissmann, courtesy Illinois Times

# Illinois' shrinking farmlands

## You can't grow corn on asphalt

AMERICA'S appetite for land is as insatiable as its appetite for food, and its dwindling supply of farmland has been feeding both. The number of farmland acres converted every year in the U.S. into shopping centers, superhighways, subdivisions and parks exceeds one million. This loss, especially that part of it consisting of the prime soils on which American agriculturalists grow crops of grain unsurpassed anywhere in the world, has only recently been thought of as a problem, however. It wasn't until world food reserves dried up as a result of three years of drought in the early 1970s, in fact, that some experts — planners, farmers, farm economists — began warning that this 20th century land grab had to be stopped.

Much of the world has come to depend on American grain, and much of America's grain is grown in Illinois. The arithmetic of farmland conversion in Illinois is disquieting. The annual survey

by the Cooperative Crop Reporting Service shows that farmland in the state is being paved, flooded, stripmined and sodded over at an average annual rate of 100,000 acres. That's 281 acres, or nearly one average-sized Illinois farm, every day, seven days a week. In seventeen years Illinois' farmland inventory has shrunk from 30.7 to 29 million acres, a loss equivalent to eight average-sized counties.

Many if not most of those acres were prime soils. The same qualities that make some land good for farming — gentle slope and good drainage, for instance — also make it perfect for development ranging from home sites to airports. According to the state's Soil Conservation Service (SCS), fully 90 per cent of Illinois farmland is "prime," meaning it falls into the top two or three categories of soil classification used to grade soils. It is the best there is. Some 9 per cent of all such prime soils in the U.S. lies between Illinois' borders.

Such soils are irreplaceable. Vital topsoils especially are not merely root media but living organisms — a ecosystem really — in which the soil's porosity,

subsoil micro-organisms, mineral content, depth and other factors combine to form a near-perfect growing environment. Illinois topsoils took centuries to produce, but they can be destroyed in a day. Once uprooted by construction or mining, or interred by asphalt, prime soils become just so much dirt.

## Loss of farmland

If current rates of loss continue unabated, another eight counties' worth of farmland will be gone by the turn of the century. One recent study shows that 18,000 acres a year are lost to forest, 19,000 to mining (including strip mining of coal), 64,000 to parks and reservoirs (much of the latter is broken land but some farmable bottomland acres are also flooded), 80,000 to large-lot rural residences, 84,000 to subdivisions, 83,000 for new industrial and commercial development and 52,000 for miscellaneous uses such as highways. The 1300-mile Illinois interstate highway system alone has eaten up 48,000 acres of land since its first mile was laid in 1957. And it is an incontrovertible

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biological fact that, although it's possible to ship corn on an interstate, it's not possible to grow it on one.

Farmers have been able to keep several steps ahead of the drop in farmland by raising more food on the acres that are left. This they've done by planting better hybrids, irrigating dry land, using bigger and more efficient machinery and, especially in recent years, by plowing under pasture and rough land once thought too poor to farm. It is no longer possible in some districts to talk literally about planting hedgerow to hedgerow, because the hedgerows have been bulldozed out and planted with corn or beans.

## Cost of cultivation

The cost of bringing every square yard of Illinois fields under cultivation is high. Among other effects, such intensive exploitation of land strips it of wildlife cover, with disastrous results for native animal populations. It also leaves more acres vulnerable to soil erosion, which in Illinois accounts for an estimated 80 per cent of the silt clogging streams and reservoirs. Worse, farmers are close to exhausting the productive potentials of their marginal lands. They must increasingly do with what they have, and that is less and less.

Jeff Idelman, spokesman for the Illinois Department of Agriculture, explains. "According to population projections prepared by the state Bureau of the Budget, Illinois' nine major metropolitan areas will experience continued growth. The total additional acreage the BOB figures will be needed to accommodate that expansion between 1970 and 1980 is 64,000 acres. They'll require another 120,000 acres between 1980 and 1990 and another 272,00 acres on top of that between 1990 and 2000." Idelman summarized the outlook. "There is no reason to expect that the demand for agricultural land for nonagricultural uses will slow down." And because cities themselves tend to be built on flat, fertile soils, urban expansion doesn't merely destroy land, it tends to destroy the best land. Thirty-nine per cent of the U.S. farmland converted to nonfarm uses between 1967 and 1975 was prime land, even though only 25 per cent of the country's privately held land falls into that classification.

This situation troubles many farm

professionals, including Harold Dodd, president of the Illinois Farmers Union. "I think the food shortages a few years ago woke people up to the need to protect our production capacity in this country. Consider the fact that it took a million years for the world population to get to one billion, just eighty years to reach two billion, only thirty-four years to hit three billion and just sixteen years to reach four billion. We've got projections that show that the population will be eight billion by the year 2012. With those kinds of facts in mind, we think it behooves all of us to preserve all the farmland we can, to leave something for the next generation to eat on."

That argument has its roots as much in economics as humanitarianism. American farm products account for the largest single share of this country's exports; without them, the farm economy would shrivel and the balance-of-payments deficits, already ballooned by our appetite for foreign oil, would swell even more disastrously. Locally, Illinois farm exports earn the state's farmers some \$3 billion yearly. Illinois fields produced more corn and more soybeans than any other state in 1976, and Illinois



Photo by Arnie Weissmann,  
courtesy Illinois Times

was second only to California (whose climate makes it a year-around food factory) in the value of its farm crops.

James D. Williams, writing in *Illinois Research*, noted last fall that Illinoisans, like Americans generally, are fleeing the big cities, a trend evident for a decade or more. What is new in the population figures is evidence that the suburbs adjacent to urban centers have stopped their headlong growth of the 1960s. Instead, the highest population growth rates in Illinois between 1970 and 1975 were recorded in the state's nonmetro-

politan counties.

Urbanization, in short, is encroaching on the black dirt fields of rural Illinois. This is nothing new, of course. The conversion of farm to suburb, suburb to city is a cycle that's turned through a century and a half of Illinois history. As one geographer notes by way of illustration, the present city of Chicago is itself an amalgamation of suburbs. What is new is the cost of such expansion.

## Suburbanization

Nowhere is the cost in land of suburbanization more evident than in the so-called collar counties around Chicago. The SCS has estimated that, in the twenty years between 1954 and 1974, total farm acreage in the six-county Chicago metropolitan area dropped by 400,000 acres, or 27 per cent — an area equal in size to downstate Logan County. Counties like Lake and DuPage, which were predominantly rural as recently as World War II, are now almost entirely urban in character. Speaking of Lake County, one farm expert said, "It's hopeless. It's pretty much gobbled up."

Neighboring McHenry County hasn't yet been gobbled up, but developers have been nibbling at its southeastern corner for years. McHenry County is wedged between Cook County's northern border and the Wisconsin state line and is tied to Chicago's Loop forty miles away by U.S. 14 and the Northwestern's commuter rail line. Its biggest town is the county seat of Woodstock (population 11,000). Thirty years ago, some 50,000 people lived in McHenry County and 90 per cent of its land was being farmed. The 1978 population has been estimated at 135,000, and barely two-thirds of the county survives as farmland.

The process of suburbanization in McHenry County differs from what happened in Lake and DuPage counties only in its tardiness. A 1946 zoning ordinance still in effect, though amended last July to reduce the potential for abuse, allows construction of homes on lots five acres or larger without county approval. Towns like McHenry and Crystal Lake have grown, but many of the immigrants from Chicago pass the towns by for houses in the country. "Even when there are lots available in the towns," notes one resident, "they'd do things like build new subdivisions in between towns that

were eight miles apart." Such scattergun development makes it hard to provide police and fire protection. It also consumes large chunks of farmland.

Looking for ways to slow down such sprawl, members of the McHenry county board last year drew up an ordinance that, if passed, would require county zoning approval before construction of any house on a parcel of land smaller than 35 acres. The scheme was first adopted in 1973 in Blackhawk County, Iowa, in the heart of corn country. Such large lot requirements do not outlaw rural residential development. They do, however, make it unattractively expensive. The 35 acre limit is typically coupled with a provision limiting the impact of the ordinance to prime farmlands only.

One of the organizations backing the proposed ordinance is the McHenry County Farm Bureau. Director Larry Harris explains why. "In 1967, 264,000 acres in the county were cropland. In 1974 we had only 226,000 acres. That's a pretty sizable drop." Harris goes on. "The eastern part of the county is already nearly taken over by urbanization. The western half is still mostly rural. We want to protect what's left. We're not against growth. We know that there's going to be growth. We just want that growth to take place in an orderly manner."

## Resentment to planning

In the past, farmers were among the more vocal opponents of planning and county zoning. That's beginning to change, and though it's difficult to measure, it seems likely that farmer resentment is a factor in the change. Scattered residential development typically isolates farm acres so that commercial farming, though still possible, often is no longer economically feasible. City people often bring city problems to the country. Pressures for better schools, better roads, more services rise with the population. Much of the bill for such services is paid with property taxes, and farmers, being by far the biggest property owners, end up carrying most of the load. Traditional political balances change, too, as does the tenor of rural life.

Still, suburbanization has its rewards. Some farmers have financed expansion by selling some of their land to developers at subdivision prices, then using

the proceeds to buy cheaper farmland elsewhere. In fact, it was reported that the enactment of Blackhawk County's 35 acre ordinance angered some of the local farmers it was intended to protect. It seemed they were afraid that developers would quit paying those fat prices for their farmland.

Two hundred and twenty-five miles south of McHenry County is Sangamon County, home of the capital city, Springfield. Springfield's major industry is government, but that of surrounding Sangamon County is agriculture. Of its 563,000 acres, 78 per cent are used for

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Scattered residential development typically isolates farm acres so that commercial farming, though still possible, often is no longer economically feasible

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farming, mostly of row crops like corn and soybeans. In 1969, only seven counties in the entire U.S. produced more corn than Sangamon, and only six produced more beans.

But what is happening in McHenry County is also happening in Sangamon County. It has lost 31,000 acres of farmland between 1969 and 1974 alone, enough that the problem has begun to engage the attentions of local planners. The Springfield-Sangamon County Regional Planning Commission adopted a new land use plan in February. On the list of a half-dozen planning goals set forth in the plan is an injunction to "protect and preserve Class I and II agricultural lands," prime lands that comprise 97 per cent of the county's surviving farm acreage. The goal represents a major change for the agency, which only recently recognized that "agricultural land is not an infinite resource." The plan commits the county to the preservation of every remaining acre of its prime soils.

The end decided upon, the perplexing question of means arises. One important step has already been taken by state government. The explosion of farmland values in recent years led to rises in assessed valuations which in turn resulted in crippling property tax bills. A new formula for assessing farmland

became law in June. Public Act 80-247 takes into account not merely the market value of farmland — the old standard measure — but also its productivity. In effect, agricultural land is assessed according to its value as farmland and not just as real estate. The change is expected to ameliorate farmland assessments and thus help ease the financial pressures on some farmers who were being taxed into selling their land.

Before the new law was passed, Illinois allowed farmland to be assessed as farmland and not according to its "highest and best use." The dual assessment law helped farmers in developing areas to avoid having to pay subdivision taxes on a farmer's income. But only a few counties used it. Rural counties didn't need it, and in many urban counties like Sangamon, where prime farmland now sells for as much as \$4200 an acre, there was little difference between the value a farmer put on land and its worth to a developer. As one local official remarked, "You don't do much speculating at \$4000 an acre."

At the local level, zoning remains a potent weapon in the battle to save farmland. The Sangamon County plan, for example, suggests the adoption of zoning laws restricting residential development on prime soils similar to those of Blackhawk County. But agricultural zoning puts farming into competition for land with commercial and residential developers — formidable adversaries. In order to provide more certain protection for threatened lands, state representatives John Lauer (R., Broadwell) and Thomas Ewing (R., Pontiac) last session introduced separate but similar bills authorizing counties to establish agricultural districts.

## 'Agricultural districts'

According to the provisions of the proposed acts (Lauer's H.B. 1719 and Ewing's H.B. 772), an agricultural district may be created by the county board upon the petition of any farm owner who wants his land to be preserved as farmland. Once formed, the district is overseen by a five-person advisory committee. So that land may not be added to the district capriciously, thus impeding legitimate land use changes, the committee would take several factors into consideration — including type of soil, productivity and



location — before deciding whether to add or drop land from the district. Any landowner could request that his land be added to the district. Once added, the land would be protected by county guarantee from any nonagricultural use, a protection that would stand if and until the owner asked to withdraw the land from the district.

Lauer, who now works for the Department of Local Government Affairs in Springfield, explains why he introduced the bill: "I was intrigued by the possibilities of this approach. I thought it could do something that I think very much needs to be done." Lauer's old district is mostly rural, but even in Lincoln some valuable land was lost when the state built a new medium-security prison there. "If we don't take steps now," warns Lauer, "we'll wake up twenty-five years from now and say, 'Where did it all go?'" The agricultural districting bills, which in hearings drew support from the state's two biggest farm groups, are still in study committee. Chances of passage in the 81st General Assembly are considered good.

The Sangamon County plan suggests other schemes from land banking to the purchase by the government of farm owners' development rights, an approach being tried in New Jersey, Massachusetts, Wisconsin, Connecticut and New York. Says the Farmers Union's Dodd: "I'm not sure that any of us knows the best way to go about it yet. The laws we have might be enough if they were used. But it wasn't until just recently that the cities were even aware of the problem. That's changed now."

## Optimism through planning

Changed, too, is the attitude of many farmers toward planners and planning. The groups, antagonists not long ago, have been made allies by the farmland conversion issue. Dodd and other agriculturists were consulted in the drafting of the Sangamon County plan, and farm representatives now sit on regional planning groups in many parts of the state. "It will probably take a combination of approaches," Dodd concludes. "But when I think of the progress that's been made in just the last few years, I'm elated. Just elated."□

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Where does Illinois really stand  
when compared to other states?

# The rising rates for worker's comp

IN 1975 legislation was enacted increasing benefits to injured employees under the state worker's compensation program. These benefit increases were followed by a series of premium increases which created a major controversy over their effect on the ability of Illinois to attract industry. The controversy has been plagued by a lack of accessible data regarding the probable impact of the benefit increases and a lack of objective standards for determining essential or appropriate benefit levels.

The debate intensified with the pressures exerted by business and labor on legislators to support a particular position. Almost everyone was aware that the pre-1975 benefits were inadequate and needed improvement. The labor position stressed the need for adequate protection for employees so that an injury and resulting loss of work did not financially cripple an employee and his family. The position taken by the business community was that, although the benefits were inadequate, substantial insurance premium increases could place Illinois businesses at a serious competitive disadvantage. (For details on the amendments passed in 1976, see June 1976.)

This article presents a brief comparison of the manual insurance rates for worker's compensation charged in

Illinois with rates charged in two groups of states — those bordering Illinois and other industrialized states. Manual insurance rates are those approved by the state Department of Insurance and subsequently inserted into the manuals used by insurance companies to calculate premiums. The manual rates can be adjusted by the individual companies on the basis of prior loss experience and/or the environment under which the employees are working. The comparison of

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The question now  
centers on whether  
or not the rates  
are too high. Is Illinois  
at a disadvantage  
in attracting new  
business — and jobs?

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manual rates in Illinois with those in other states is not intended to support or disprove any particular position in the controversy but rather to present information on rates that will more clearly define the issues involved.

In 1972, the National Commission on State Workmen's Compensation Laws issued its report decrying the existing benefit levels provided under state worker's compensation programs. As a result of its analysis, the commission published 19 essential recommendations for improving state programs. The implication was that if the states did not improve benefits and administration, the federal government might be disposed to mandate certain standards.

Many of the states responded by increasing the benefits that employers (both public and private) must provide and, in some instances, requiring more

employers to take part in insurance programs. The programs, however, vary considerably from state to state, and these variations remain. This lack of uniformity is one of the key factors underlying the current controversy.

The issues surrounding worker's compensation benefits are complex because benefit levels are based on subjective ideas of equity. There are no completely objective benefit levels. The standards promoted by the national commission serve as useful guidelines, but they are not absolute standards. Legislators involved in setting benefits must reach a consensus on the appropriate level of benefits in light of the costs to employers for providing them. Organized labor and business organizations have high stakes riding on the final outcome and are applying as much pressure as possible to gain supporters for their positions.

In Illinois, beginning July 1, 1975, benefits under the worker's compensation programs were increased substantially. The initial premium increase resulting from these changes was 46.8 per cent but, as is well recognized, the actual increases were substantially higher for many employers — and in some cases, coverage was difficult to obtain at all. Insurance companies experienced losses in this line of insurance (especially after 1975) and responded by attempting to avoid insuring employers with high risk or poor loss experience. The initial increase was followed by two rate increases: 3.2 per cent in December 1975 and 24.3 per cent in July 1976.

The major attention in Illinois has centered on the rate increases. Business leaders have drawn attention to the fact that rates in Illinois now far exceed those in neighboring states and contend that this situation is contributing to the slow growth or loss of employment that has been plaguing Illinois in recent

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*This article is based on his study prepared for the Illinois Cities and Villages Municipal Problems Commission, Worker's Compensation Premiums: Illinois and Other States (Springfield: Municipal Problems Commission, 1978).*



years.

The Insurance Services Office (ISO), a service organization developed by the insurance industry, provides the industry with information on rating and other matters. Another organization, the National Council on Compensation Insurance (NCCI), provides the supportive material for worker's compensation rate revision and submits filings for rate increases in many states. In Illinois, where the NCCI is not a licensed ratemaker, rate increases are filed with the state Department of Insurance by the ISO. Filings are reviewed and approved or disapproved by the department, and the approved manual rates are then distributed to the various companies. The manual rates become the basis for determining insurance premiums charged to employers, but the rates actually charged by an insurance company can be adjusted based on experience and schedule rating factors. Thus an employer with a bad loss record would pay higher rates. Likewise, insurers have a list of schedule rating factors including working conditions, medical facilities and safety devices which can serve as the basis for a rate discount or surcharge of up to 25 per cent. Whether an employer receives a discount or surcharge depends on the attitude of the insurer with regard to the risk, the conditions under which the employees are working and the previous loss experience of the insurer.

Information on the average discount or surcharge is hard to obtain — and sometimes contradictory — making it

difficult to determine how closely manual rates coincide with the rates actually charged. The general view is that over the past several years the rates actually charged have moved from a substantial discount to a surcharge. One estimate developed during the Department of Insurance's 1976 administrative hearing (No. 1548), headed by University of Chicago law professor Spencer L. Kimball, showed that the average rate paid by employers moved from 86 per cent of the manual rate in 1973 to 102 per cent in 1976. If this information is accurate, it appears that the rates actually charged are slightly higher than the manual rates. However, a brief examination of data for municipalities in the Chicago area in 1977 suggests just the opposite — the rates charged were, on the average, a little lower than the manual rates.

The change from a discount to a surcharge is one explanation for premium increases reported by employers as being substantially above the manual rate increases. The insurance industry argues that the move from a discount to a surcharge simply demonstrates the inadequacy of the manual rates — especially given the exodus of insurance companies from the worker's compensation line.

For many employers, however, rate increases do not begin to tell the full story. Their coverage has been terminated, sometimes for little apparent reason, and they have been forced to go to the assigned risk pool or to insure themselves. The self-insurance is proba-

bly not viable for small businesses because they are not large enough to spread the risk, and an increase in the number of applicants has created considerable confusion in the administration of the risk pool.

The outcome of worker's compensation insurance rate comparisons is determined to a large extent by the choice of states with which Illinois is compared. Two groups come to mind. All things being equal, the rates in Illinois should compare favorably with those in other industrial and urban states. Also, rate differences between Illinois and surrounding states or other Midwestern states should be minimal. Otherwise, Illinois will be at a disadvantage in attracting industry interested in locating in the Midwest.

The following analysis provides a comparison between industrialized states and surrounding states for selected employee or industrial classifications. Manual rates for Illinois have been divided by the average rates in other states. Thus a number greater than one indicates that Illinois rates are above the average of those in other states.

Table 1 compares the rates for selected industrial categories in the private sector. One is immediately struck by the different findings, depending on which group of states is used. For example, the unweighted average manual rate as of July 1977 for these 16 employee classifications was \$5.01 per \$100 payroll in Illinois. The average rate in four surrounding states (Indiana, Iowa,

**Table 1**  
**Worker's Compensation Rates:**  
**Private Employees**

Industrial category	NCCI code	Illinois manual rates	Ratio to surrounding states <sup>1</sup>	Ratio to industrial states <sup>2</sup>
Bakeries	2003	\$3.27	2.27	.72
Grain milling	2014	6.58	2.17	1.02
Creameries	2070	3.22	2.00	.59
Laundries	2585	3.19	2.08	.65
Furniture mfg.	2883	5.88	2.28	1.09
Foundries	3081	9.67	3.04	.88
Tool mfg.	3113	2.72	2.31	.99
Metal goods	3400	5.73	1.62	.62
Machine goods mfg.	3632	4.38	2.92	.98
Printing	4299	1.81	1.97	.78
Masonry	5022	6.83	2.86	1.19
Plumbing	5183	4.57	2.21	1.17
Carpentry	5403	9.04	2.45	1.21
Painting	5475	6.91	2.33	1.08
Excavating	6217	5.80	3.28	.97
Salesmen	8742	.56	1.47	.92
Average		\$5.01	2.25	.93

<sup>1</sup>Indiana, Iowa, Missouri and Wisconsin

<sup>2</sup>California, Michigan, New York, Ohio and Pennsylvania

**Table 2**  
**Worker's Compensation Rates:**  
**Public Employees**

Employee classification	NCCI code	Illinois manual rates	Ratio to surrounding states <sup>1</sup>	Ratio to industrial states <sup>2</sup>
Firemen	7704	\$4.12	2.30	.58
Policemen	7720	2.41	1.45	.44
Garbage collection	9430	6.03	1.07	.62
Street cleaners	9402	4.40	2.05	.79
Park employees	9102	3.36	1.47	1.20
Sewage disposal	7580	3.66	2.10	.95
Waterworks operations	7520	2.65	1.54	.92
Garage employees	8385	3.97	1.80	.83
Street construction	5506	5.64	1.94	.90
Municipal, Township, NOC	9410	3.38	2.68	1.54
Clerical workers	8810	.16	1.78	.53
Average (21 classifications)		3.52	1.89	.83

<sup>1</sup>Indiana, Iowa, Missouri and Wisconsin

<sup>2</sup>California, Michigan, New York, Ohio and Pennsylvania

Missouri and Wisconsin) was \$2.23 on a comparable payroll base. Thus, the average rate in Illinois was 2.25 times or 225 per cent of the average of the surrounding states.

But this is not the whole story. When Illinois rates are compared with those in other industrial states, Illinois is much closer to the norm. Specifically, the average Illinois rate of \$5.01 compares with an average of \$5.34 for California, Michigan, New York, Ohio and Pennsylvania — which makes Illinois manual rates approximately 93 per cent of the average. If the manual rates in Illinois understate the actual rates charged, the Illinois rates may be even closer to those in the other states. However, the Illinois rates have been decreased by nearly 9 per cent on policies issued after September 1977 because of a recent Department of Insurance order so that the manual rates may be reasonable ap-

proximations for current rates charged.

The controversy over insurance rates is now easier to understand. If one is using the industrial or urban states as a guide, Illinois rates appear to be about average. However, if one is concerned about the migration of business into neighboring states, there is cause for concern. In particular, Indiana has very low rates, an average of \$1.41 per \$100 payroll compared with the Illinois average of \$5.01 for the same employee classifications.

A similar pattern is found for employees in the public sector. On the basis of 21 employee classifications, the average manual rate in Illinois was \$3.52 per \$100 payroll. The average in the surrounding states was \$1.86 on the same pay base which places the Illinois rates at 1.89 times or 189 per cent of the corresponding average in surrounding states.

The policy issue with respect to public employees is somewhat different. Policymakers need not fear that an Illinois municipality will move to Indiana, but they are worried about how local governments are going to raise funds to pay the premiums. The benefit increases legislated in 1975 did not carry any provision for local governments to expand their taxing powers nor did the state authorize additional revenue to provide the benefits. This, of course, touches another controversy, namely mandated costs, which will not be examined here.

The choice of states for worker's compensation insurance rate comparisons is less clear when public employees are involved. It would seem, however, that given the competition between the private and public sector for the same labor pool within a city, industrialized states might be used and this was the

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approach followed.

When Illinois rates for the public sector are compared with those in other industrial states, once again, Illinois is in a representative position. The average manual rate in Illinois (\$3.52 per \$100 payroll) compares with an average in the other states of \$4.25 on the same pay base. Within this group California was considerably higher than the others and if its average is removed from the analysis, then Illinois rates are 96 per cent of the average.

The very limited evidence now available suggests that in the public sector the rates actually charged by insurance companies may reasonably approximate the manual rates. If this is true, then it appears that, at least for the employee groups shown in Table 2, Illinois is at or below the average of these industrial states. This, of course, still does not solve the problem of where to find the money to pay for the increased premiums.

At this point one might ask why Illinois rates are above those in surrounding states. Because worker's compensation programs and benefits are under state jurisdiction, the states upgrade their benefit structures at their own pace. Within the Midwest, Illinois took stronger action and took it earlier than surrounding states. A comparison of benefits, for example, reveals that the maximum payment per week for permanent partial disability in Illinois was \$304.21 (133 1/3 per cent of the state's average weekly wage) compared with an average of \$123 in the other ten states examined (California, Indiana, Iowa, Michigan, New York, Ohio, Oregon, Pennsylvania and Wisconsin). Iowa was next highest with a maximum payment of \$228 (122 2/3 per cent of the state's average weekly wage), and Wisconsin was lowest with \$57. In Iowa, however, as of July 1979, the percentage of average weekly wage will increase to 153 1/3 per cent and to 184 per cent by 1981. Thus, the dollar benefit gap between Illinois and Iowa will certainly narrow — especially if the Illinois percentage remains constant.

Worker's compensation insurance rates are also determined by the awards to individuals making claims under the program. Permanent partial benefits are particularly difficult to determine because an injury such as partial hearing loss may represent a substantial loss of earnings in some occupations, but be

only a minor handicap in other lines of work. In this type of situation there may be a tendency to favor the injured employee and make an award in excess of loss of earnings. In Illinois, permanent partial benefits represented more than half (54.2 per cent) of the total benefits awarded compared with an average of 33.43 per cent in Indiana, Wisconsin, Missouri and Iowa. The high percentage of benefits awarded in this category may be a symptom of difficulties in the administration of the program rather than in the benefits

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The critical issue is the level of rates compared with those in other states: Illinois rates far exceed those in surrounding states, sometimes by more than twice

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provided by law. The two are related, however, because the more specific the legislation is regarding benefits to be provided, the less opportunity there is for subjective judgments to enter.

An attempt was made to place part of the blame for the large rate increases on the insurance industry, which, it was charged, was taking advantage of the benefit increases to make greater profits. The insurance industry responded by showing losses in the worker's compensation line and the exodus of many insurers. The controversy peaked in 1976 when administrative hearing No. 1548 was ordered by then director of the Department of Insurance Michael P. Duncan. The result of the hearing was a rate decrease of, on the average, 8.6 per cent on policies issued after September 1977 (this figure includes the approval of a rate filing with a 1 per cent decrease).

A reading of the hearing report indicates the complexity of the issues involved and the difficulty in obtaining detailed information. At one point, hearing officer Kimball noted that since the burden of proof for excessive rates was on the applicants (Coordinating Committee of the Mechanical Speciality Contractors Association), they had not proven their contention. However, had the burden of proof been on the respondents (the Insurance Services Office),

the outcome, Kimball said, might have been reversed. Perhaps the most obvious "proof" that the rates were not providing high profits is the fact that a number of firms have been moving out of the worker's compensation insurance line completely.

Views about the level of worker's compensation benefits depend on many factors including standards of equity, status as an employer or employee — and even party affiliation. On this kind of issue, policymakers search either for objective standards or look to see what other states are doing. In 1972, the National Commission on State Workmen's Compensation Laws provided recommendations which have been adopted by other states as guides. Illinois meets the vast majority of these recommendations and, in fact, surpasses a few.

A comparison of the dollar benefits as measured by the maximum weekly payment shows Illinois to be substantially above the other states and, in fact, very near the top. Because Illinois moved earlier and more rapidly than other states, it is likely that in the future the benefit gap will close. In terms of rates, Illinois is once again above the average but by no means at the top.

At present the critical issue is the level of rates compared with those in other states. There is no question that Illinois rates far exceed those in surrounding states, sometimes by more than twice. In the case of industries interested in locating in the Midwest and not particularly tied to a fixed resource, Illinois is at a serious disadvantage since the average wage is not appreciably lower to offset the higher insurance costs.

On the other hand, those concerned about comparisons of rates with other industrial or urban states can take solace in the fact that Illinois rates are at or slightly below the average. Thus, an industry seeking an industrial or urban location might have less reason to discriminate against Illinois.

Insurance benefits must protect workers. Insurance rates must not encourage an exodus of industry to neighboring states. Somewhere between these two poles lies a reasonable solution to the worker's compensation insurance controversy. Objective analysis can locate and clarify the issues, but the traditional political bargaining process will have to work them out. □

## Should TV and radio be allowed in courtrooms?

THE COURTS are among the last of our public institutions to conduct their routine business out of easy public view — and sometimes in complete privacy. Appellate panels arrive at their decisions in secret, for example, explaining later only what the judges feel like explaining. Once vested in their black robes, trial judges rule like monarchs, dispatching bailiffs to reprimand spectators who fail to exhibit the proper respect for the dignity of the judicial branch.

In many jurisdictions, including Illinois, news cameras and recorders still are not permitted in the courtroom on the once valid premise that the distraction interferes with the truth-seeking function of the judicial system guaranteed by the Sixth Amendment. In April, the Illinois News Broadcasters Association filed a petition with the Illinois Supreme Court asking the state's highest tribunal to consider whether the new, smaller, quieter and presumably less intrusive equipment of television news might render the old restrictions obsolete.

### Petition denied

Without bothering to schedule a hearing on the facts and opposing arguments, the Supreme Court summarily denied the petition. The broadcasters had requested an opportunity to demonstrate their latest equipment and suggested several possible options, such as a temporary test restricted to one judicial circuit. The issue hardly deserved to be kissed off so hastily.

It is an issue likely to remain on the public agenda. For the business of the courts is the people's business and, as the U.S. Supreme Court had occasion to declare in 1947, "what happens in the courtroom is public property." Adept as legislative representatives have become

at dodging politically sensitive social questions, judges find themselves being thrust more frequently into crucial policymaking roles. This is happening in an ever more complex society where the courts are ever more remote from the people. If possible, the need for continuing close scrutiny of the administration of justice may be more pressing in Illinois than in most other states because of the legislature's refusal to change the method of judicial selection, a system that rewards political party service rather than judicial ability with judgeships.

### Potential disruption

Television's potential for disrupting a jury trial cannot be ignored. I have covered trials of prominent public figures who were nearly trampled *outside* the courthouse by swarms of husky (and for all practical purposes blinded) behemoths, bulky cameras perched on their shoulders and trailed by lighting and sound technicians all wired together and struggling frantically to stay together.

The U.S. Supreme Court reversed the fraud conviction of Texas financier Billy Sol Estes in 1965 because his trial was televised. In that case the judge happened to be up for reelection and the prosecutor was himself a judicial candidate. "A defendant on trial for a specific crime is entitled to his day in court, not in a stadium or a city and nationwide arena," the majority opinion emphasized. "The heightened public clamor resulting from radio and television coverage will inevitably result in prejudice."

Yet the high court stopped short of a constitutional bar against televised trials. Twelve states now permit the limited use of cameras and recording machines during criminal trials. Under

proper supervision, broadcasters can share the film or tape of a single crew operating a small camera with available light from behind a screen in a corner of the room. There need be no blinking light to bewitch lawyers and jurors. The distraction need be no greater than the subdued clatter of the stenotypist in today's court scene. TV would be banned from juvenile proceedings and certain other sensitive testimony at the discretion of the judge.

This would therefore add to the management problems of judges, who would be confronted by decisions over whether to admit or exclude cameras, yet another possible grounds for reversal of the decision by a higher court — which is surely one of the reasons so many lower judges resist the idea.

In Florida, where a visiting committee of the Illinois State Bar Association observed the closing arguments of a murder trial that was televised, most prosecutors are enthusiastic about the presence of cameras and most defense lawyers are critical. In Illinois, public opinion appears to be crystallizing on the issue. Younger members of bar and bench, born in a television age, are likely to drag their elders (and the Illinois Supreme Court) along toward a more open policy.

### Judicial coverage

Then the question becomes: what will television do with this newly won access? Sensational trials obviously will draw their attention. But will the electronic media train an investigative eye on the mundane workings of the judicial system, exposing abusive behavior by judges and prosecutors involving a lowly purse snatcher, as well as the dramatic, gripping story of a live Perry Mason bringing an ax murderer to justice? □



## Suburban papers competing with the 'big boys' downtown

PUBLIC NOTICE advertising is life's blood economically to many smaller suburban and community newspapers in Illinois. The Springfield lobbyist for the Illinois Press Association (IPA) is kept busy protecting the statutory principle that the notices must appear in a paper published locally.

The most powerful single newspaper in Illinois, the *Chicago Tribune*, challenged this territorial understanding in 1976 by claiming a share of this revenue for its suburban supplements. Nine zoned editions of the supplement — called the *Suburban Trib* — are printed in Hinsdale, near the DuPage-Cook county line, and inserted three or four days a week in 375,000 copies of the regular *Tribune* sold in the suburbs.

### Regional newspapers

The local publishers sued in the state courts, objecting to the Cook County assessor's award to the *Suburban Trib* of the annual tax assessment lists for three suburban townships. One of the protesting litigants was the Paddock Corp., whose *Daily Herald* is locked in a battle with the *Tribune* for morning paper supremacy in the upper income northwest suburban region.

Donald Reuben, the lawyer who has operated for so many years as the *Tribune's* fabled Mr. Clout, argued before the Illinois Supreme Court that the township publication requirement violated freedom of the press. The court held to the contrary that the legislature acted within its constitutional power and the *Suburban Trib* did not qualify. Earlier, when the IPA entered the case on the side of the smaller publishers, the *Tribune* withdrew from the association.

The issue is likely to move now into the state legislature, where the *Tribune's* statewide influence will be pitted against that of the community newspapers.

The dispute can be viewed too as one political-legal manifestation of the intense struggle for newspaper domination in the lucrative suburban field. Movement of people — and more particularly of people who still read words on paper — and of jobs and economic activity out of the central city and into the suburbs changed the nature of metropolitan newspapering everywhere. Print advertisers can be expected to put their dollars where the affluent, better educated readers-consumers are, and the buying power of Chicago's suburbs now exceeds that of 40 of the 50 states.

"That's where the action is today," says Charles Hayes, who led Paddock's pioneering venture into solid suburban journalism in the 1950's and is now editor of the rival *Suburban Trib*. "People no longer buy a newspaper to get the hot spot news. From their newspaper they want local news, local information, local service, and local leadership."

There are more than 200 newspapers in the metro area — ranging from dailies to weeklies, from quite good to abysmal. The proliferation of incorporated areas, all with their separate community papers, the overlapping of once clearly staked-out territories, and the introduction of regional dailies means the competition will be spirited and unpredictable.

### *Tribune v. Sun-Times*

Now that the afternoon underbrush is cleared away, the *Tribune* and *Sun-Times* are primed to go head-to-head in the morning. Historically weak in all but the blue-collar suburbs, the *Sun-Times* will have to devise something better than its *Suburban Week* supplement to attract suburban advertising. *Sun-Times* circulation is just under 200,000

in the zones where 375,000 copies of the *Suburban Trib* are distributed.

Whatever happens, it won't be a private duel. Already two experienced suburban publishers are putting out regional dailies in competition with the "big boys" downtown.

### Paddock dailies

One of these is Stuart R. Paddock, Jr., whose family-owned company now distributes 11 daily editions, including a downtown newsstand edition aimed at commuters from the northwest suburbs, plus a new Sunday edition. The Arlington Heights edition of Paddock's *Herald* sells 54,200 papers, which is almost as many as the *Suburban Trib's* comparable northwest Cook edition. Paddock and the *Suburban Trib* both support editorial staffs of about one hundred with budgets of over \$2 million — an impressive ratio of reporters-to-readers anywhere.

### Sagan's papers

The other major challenger is Bruce Sagan, whose *Southtown Economist* hastened into the afternoon void left by the scuttling of the *Chicago Daily News*. No sooner did the *Daily News* slip under the waves than "the *Southtown*" went daily with separate afternoon editions for South Chicago, South and Southwest Cook County, and for downtown commuter stations serving Southsiders. By mid-summer about 30,000 papers were being distributed daily, only about half of them paid circulation. The daily was being kept afloat by the profits from Sagan's weeklies and printing business, a subsidy he said couldn't continue longer than two years at the most.

Farther out, in McHenry County, the *Crystal Lake Herald* recently accelerated to daily operation.

Waiting in the wings with vast financial resources and watching how Pad-dock and Sagan fare against the down-town giants, are some of the nation's best known communications conglomerates.

### Other potential dailies

Time, Inc. purchased a chain of prosperous North Shore weeklies (Pioneer Press), expanded into the western suburbs, absorbed some competitors and is the most likely candidate to start a North Shore daily someday.

At the other end of the county, Panax Corp. publishes the south suburban *Daily Calumet* and is thinking about another regional daily that would span the Indiana border.

Yet another group, the California-based Copley newspapers, were positioned strategically in the path of metropolitan growth, with thriving existing papers in Joliet, Aurora, Elgin and Wheaton. But Copley blew its golden opportunity, primarily because of a reluctance to risk the large investment.

Finally there are several well-established, regionally formidable weekly groups fighting hard for readers and revenue in the suburban market, but they are unlikely to go daily. Among these are the Lerner newspapers (circ. 312,000), the 15 Star newspapers printed in Chicago Heights (91,000) and the Life newspapers in the near western suburbs (129,000).

There are more editorial voices, more diversity, more competition. But is the suburban reader better informed by the regional papers? In the next "Media" column in December we will examine the quality of the "new" suburban press. □

# Illinois Issues

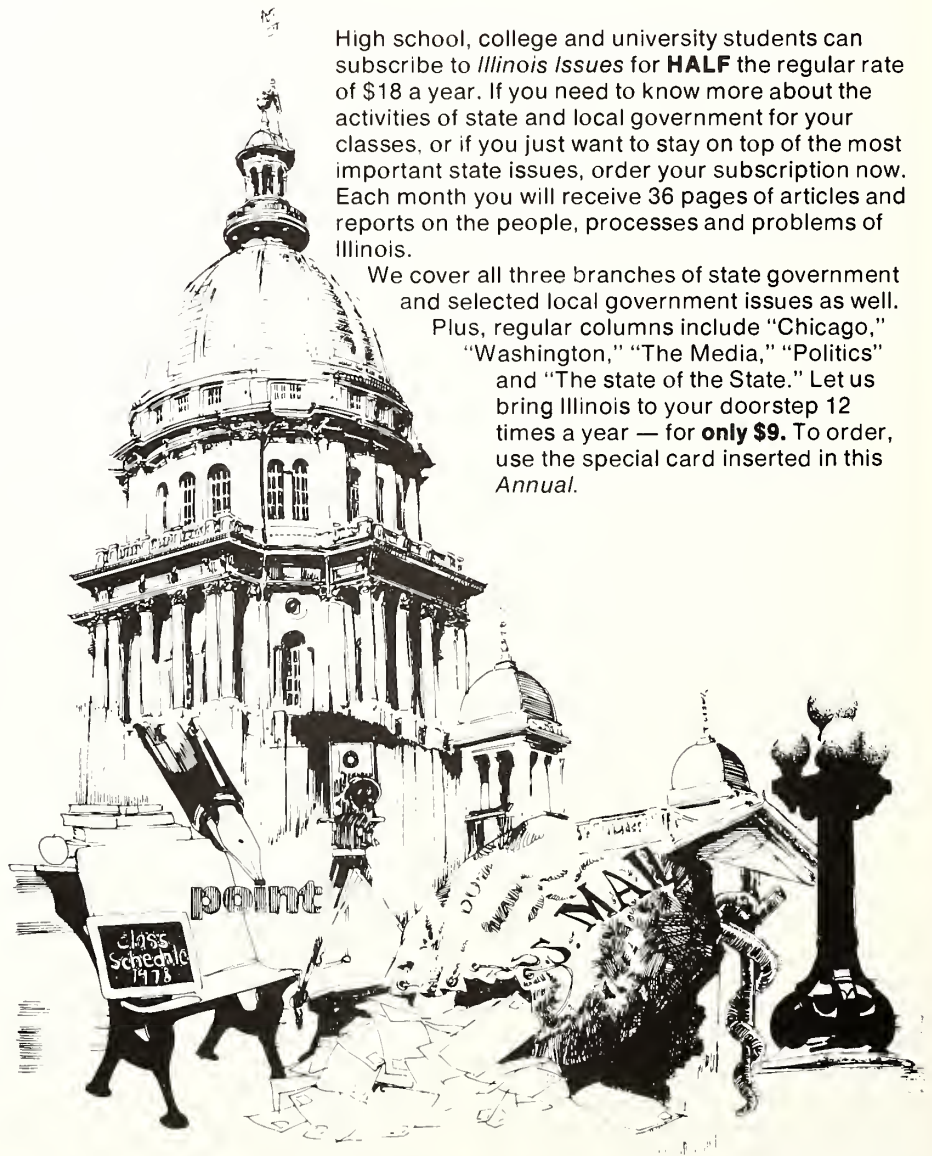
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Can it pass muster?

# Analyzing Class X under the U.S. and Illinois constitutions

AFTER intense political wrangling between the governor and legislature (see October and December 1977), House Bill 1500, usually referred to as Class X, became effective February 1. Debate has focused on whether Class X is an effective and appropriate response to violent crime, a debate that cannot be resolved with certainty for years. However, long before its effectiveness can be calculated, Class X will undoubtedly undergo intense constitutional scrutiny in both state and federal courts. Unless Class X can pass muster under both the Illinois and U.S. constitutions, any success it achieves in reducing violent crime may only be temporary.

Class X makes several significant changes in the Illinois criminal justice system, the most prominent of which is the creation of a new category of felony offenses. Such crimes as kidnapping, rape and sexual assault, armed robbery or armed violence, treason, and manufacture or sale of narcotics have been designated Class X felonies (murder retains a separate felony designation), and the prison sentences for these offenses have been significantly increased.

But the most significant change is the abolition of both indeterminate sentencing and parole. Illinois felons will

now be sentenced to a specific number of years in prison, and they will serve the entire term less only specifically calculated time for good behavior.

In addition, Class X doubles the normal prison sentence for repeat offenders (those twice convicted of the same Class X felony) and for "heinous" offenders (those whose crime is "accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty"). Habitual criminals (those convicted of three Class X felonies) receive mandatory life sentences.

## Equal protection

To a large extent, Class X remedies some major constitutional problems related to gross disparities in sentencing for similar crimes. Thus far, the U.S. Supreme Court has confronted this problem only with regard to the death penalty. However, there has been a growing recognition that the federal constitutional command of equal protection of the laws requires that defendants who are similarly situated with regard to their backgrounds and crimes should be treated roughly the same; and in *Furman v. Ga.*, (1972), the U.S. Supreme Court struck down a sentence simply because there were no criteria to insure that similar cases would receive similar treatment. Class X addresses this concern by enumerating aggravating and mitigating circumstances that the sentencing judge must consider, requir-

ing written specification of why a particular sentence was imposed, and giving formal legal recognition to the practice of appellate review and modification of disproportionate sentences. While the penalty for a Class X conviction ranges from 6-30 years, the sentencing judge no longer has anything like unbridled discretion in choosing a figure.

The most pronounced feature of Class X is its general philosophy of greatly increasing punishment for violent criminals. In the past decade, federal courts have begun to examine the permissible scope of punishment under the Eighth and Fourteenth amendments to the federal constitution, both of which prohibit state and federal governments from inflicting cruel and unusual punishment. In *Gregg v. Ga.* (1976), the Supreme Court decided that a punishment is cruel and unusual if it: 1) purposefully inflicts pain and suffering; or 2) is grossly disproportionate to the crime for which it is imposed; or 3) has been generally rejected by enlightened society. The question is: How does Class X stack up under these criteria?

One would be hard pressed to argue that a sentence of up to 30 years for rape, armed robbery or treason is either grossly disproportionate to those crimes or out of step with what enlightened society considers proper. It is important to note that the second and third *Gregg* criteria neither ban severe punishment

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nor require that a state adopt the lowest common denominator.

Similarly, both the abolition of parole and the adoption of determinate sentencing seem immune to federal challenge. Parole is a legislatively granted privilege rather than a federal constitutional right so that its total absence cannot logically raise a federal issue. Determinate sentencing actually removes the equal protection problems noted in *Furman* by placing in the sentencing judge the power and responsibility to insure that both sentencing and time served are uniform.

## Due process

The major federal constitutional problems which are raised by Class X stem from the heinous offender-habitual criminal provisions. It is clearly neither disproportionate nor atypical of national practice to substantially increase penalties for multiple offenders or to recognize that the manner in which a crime is committed is a rational factor in assessing punishment. However, the statute's definition of heinous behavior ("indicative of wanton cruelty") is so vague that one who is adjudged a heinous offender might well be denied liberty without due process of law in violation of the Fourteenth Amendment. At minimum, due process means that a person of common intelligence must be able to understand what conduct is prohibited by a criminal law. This is not to say that a criminal's cruelty may not justify greater punishment; it does, however, suggest that the legislature must specify what conduct indicates wanton cruelty instead of leaving such a determination to the unbridled discretion of a judge or jury.

The mandatory life sentence for habitual criminals seems to contradict recent federal court decisions. Prior criminal activity is surely a legitimate factor in assessing punishment. However, in two decisions (again both dealing with the death penalty), the U.S. Supreme Court ruled mandatory sentencing laws unconstitutional. In *Woodson v. N.C.* (1976) and *Roberts v. La.* (1977), the court held that a state could not impose mandatory sentences for first degree murder or for the murder of a peace officer, respectively. Neither decision meant that the death penalty could not be imposed but only that the failure to consider mitigating circum-

stances was cruel and unusual. The court argued that, regardless of the crime, mitigating circumstances could always exist. To the extent they exist, such circumstances must be considered and alternative punishments must be available. In *Carmona v. Ward* (1977), a federal district court used this logic to invalidate the mandatory life sentence that was the cornerstone of New York's tough narcotics law. The precedents seem to indicate that while Illinois can make a life sentence a possibility for the habitual criminal, it may not make such a sentence automatic. Moreover, the precedents seem to suggest that the legislature will have to specify mitigating circumstances.

While the federal constitutional analysis of Class X must focus on a rather vague, 187-year-old cruel and unusual punishment provision, the current Illinois Constitution, adopted in 1970, provides the Illinois courts with a

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## Class X needs more flexibility in providing for the habitual criminal and more precision in defining 'heinous' crime. But its key provisions are clearly constitutional

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more contemporary and seemingly more specific standard. Article I, section 11 requires that "penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Illinois courts have consistently interpreted section 11 to require the sentencing judge to balance the "retributive and rehabilitative purposes of punishment." As long as the judge does not "resign to total retribution one who has a chance of future restoration to useful citizenship," he has probably satisfied section 11 (*People v. Gibbs*, 1974). On this basis, appellate courts have often reduced lengthy sentences that were not sufficiently cognizant of rehabilitative potential.

Class X gives the sentencing judge considerable latitude in deciding on punishment. However, in keeping with section 11, Class X lists specific factors that mitigate the crime (indicating the

potential for rehabilitation) and factors that aggravate the crime (indicating the degree of retribution). Like the Eighth Amendment, section 11 does not prohibit the imposition of severe punishments as long as the sentence "fits the crime" and the criminal. Clearly, this is not an area of human endeavor susceptible to mathematical precision, and people will differ over whether the balance in a particular case has been correctly drawn. Section 11 requires only that a reasonable attempt is made to strike a balance, and Class X seems to conform to that requirement.

## Rehabilitation

Nothing in the Illinois Constitution affects the legislature's decision to abolish parole and indeterminate sentencing. However, section 11's concern with rehabilitation seems to bar the mandatory life sentence for habitual criminals. While the commission of three Class X felonies might indicate a minimal chance for rehabilitation, section 11 mandates that assessing the chance is the function of the trial judge acting on a case by case basis.

Whether Class X really stems the tide of violent crime and whether its passage was worth the tremendous amount of political infighting that preceded it remains to be seen. While the legislature will probably have to write some flexibility into the habitual criminal provision and more precisely define a "heinous" crime, the key provisions of Class X seem clearly constitutional. It is perhaps paradoxical that the "law and order" sentiment that motivated Class X — a sentiment usually associated with political conservatism — arguably makes the Illinois Criminal Code more consistent with federal and state safeguards of the rights of criminal defendants — a tendency usually associated with political liberalism. While one could argue with some justification that lengthier sentences and unrelieved confinement are hardly liberal goals, Class X attacks those capricious sentences and arbitrary paroles which the Supreme Court rejected in *Furman*. No one yet knows with certainty how to accomplish the "restoration to useful citizenship" that section 11 of the Illinois Constitution mandates. However, Class X seems to make retribution more systematic, more appropriate to the offense and hence, more just. □



By ROBERT McCLORY

# Rev. Jesse Jackson's 'push' to 'excel'

From  
country preacher  
to civil activist  
to moral leader



THE REV. Jesse Louis Jackson has not yet reached the biblical mountaintop. But after 13 years of climbing, he has found a spot on a lofty plateau. After 13 years of planning and dreaming, defending and condemning, exhorting and consoling, he has at least reached a stable position from which, he fully believes, he will have a profound influence, not just on blacks, not just on the poor, but on the future of America.

That new position is directly related to Jackson's Push for Excellence (EXCEL) program, a campaign designed to overcome generation and cultural gaps by uniting parents, students and teachers in a common pursuit of educational excellence. The idea had been fermenting in Jackson's fertile brain and in the inner sanctums of his organization, Operation PUSH, for more than two years. In a sense, it had always been implicit in Jackson's

recurring recommendation to youth to "get the dope out of your veins and hope in your brains." But the new concentrated self-discipline, self-confidence program took off with a vengeance about a year ago. A special PUSH for Excellence Corp. was established (with educator Kenneth Clark and psychiatrist Alvin Poussaint on the board), and an 18-month, \$200,000 grant was obtained from the Ford Foundation for pilot studies in Chicago, Kansas City and Los Angeles. The results were so encouraging in Los Angeles that the city's board of education allotted \$400,000 for a full-blown program in its schools as a joint venture with PUSH.

Then last December, CBS-TV's *60 Minutes* ran a major segment on Jackson and his gospel of self-help. The immediate results were spectacular, indicating that the Country Preacher, perhaps for the first time in his controversial career, had touched a sympathetic, responsive nerve in the whole of American society. There were more than 3,000 letters received at PUSH the first week after the show and virtually all were positive about what they had seen. Minnesota Sen. Hubert H. Humphrey,

dying of cancer, was so moved by Jackson's exhortation that he called him to his bedside and lavishly praised both the man and the message. The Department of Health, Education and Welfare instantly began negotiations with Jackson for a proposed, four-year relationship in implementing the EXCEL program nationally. And, to date, some 500 public school districts in the country have invited Jackson to come and help them get started.

What is especially heartening to Jesse Jackson is the fact that the praise and the intense interest are not coming from one racial, ethnic or geographical sector. Apparently, suburban whites, no less than ghetto blacks, are so worried about their kids that they are not going to be snobbish or fussy if someone thinks he has an answer.

Jackson's message, as it was recorded for *60 Minutes*, has been delivered to a black audience, and it was full of the easy, down-home banter for which he is justifiably famous. "You know, I look at a lot of these theories that many social workers come up with, like, now the reason the Negro can't learn is his daddy's gone, his momma is pitiful,

ROBERT McCLORY

On the staff of the *Chicago Defender* as a reporter, city editor and feature writer since 1971, he has written extensively for other publications and is the author of the book, *The Man Who Beat Clout City*, published in March.

there's no food in the refrigerator, it's rats all in his house . . . and that's the reason he can't learn. Then we go to school and the teacher — standing there feeling the guilts — says, 'These poor and pitiful Negroes got all these trials and tribulations. Now I have to stand up here and teach them how to read and write and count.' Well, if we can run faster, jump higher and shoot a basketball straighter off of inadequate diets, then we can read, write, count and think of those same diets. The challenge is upward mobility."

The message probably came as a shock to those who had grown accustomed to the sight of Jackson endlessly propounding black issues and defending black people. Here he was on the second most popular TV program in America suggesting that blacks better start producing. "We must struggle to excel because competition is keener, and, in my judgment, we need a massive revolution in our attitude." It was a sentiment with which racist and redneck could heartily concur. And it was a view the poorest public housing tenant had also been muttering privately for years.

But there was more to it than that. Jackson's message, as it developed, transcended racial problems and hang-ups. "By the millions our young people are graduating but reading at a 6th and 7th grade level," he continued. "And during a period when technology and cybernetics are taking over, it becomes a kind of mental genocide because we are unable to cope or compete. That is why I say to our young that we must turn off that television for at least three hours a night. Mental development becomes a certain kind of pressure and discipline is the key . . . And don't tell me you can't manage your child at 16 — because you're probably right. But you had the option to do it at age 6. You must raise the child while the child is a child."

Clearly, there was nothing revolutionary in what was said. The revolution was in who was saying it — Jesse Jackson, the anti-establishment, super-activist civil rights marcher, the advocate of social change. If even he is advocating old-fashioned, no-nonsense, nose-to-the-grindstone ethics, then maybe the age of permissiveness is really over. Indeed, Jackson's message and his whole excellence program fit in very nicely with the swing in national opinion to the right, so well documented by the pollsters.

Jackson firmly insists there is nothing phoney or manipulative about this new thrust, and he just as vehemently denies that it represents any contradiction in what he has been striving for since 1965. "It's just the other side of the coin," he told me during an interview at the PUSH national office on Chicago's Southside. "The goal is equity for all Americans regardless of race. We do that by knocking down the barriers of discrimination, by electing responsible leaders, by affirmative action programs. But that ain't enough. If the opportunities are there, we've got to seize them. That's what this emphasis is all about."

The scope of EXCEL, even at this early date, indicates it will be the largest project in which PUSH has been in-

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**Jackson above all  
wants to be a respected  
leader, to leave an  
unblemished and  
indelible mark on  
this world**

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volved. And it will, in all likelihood, provide Jesse Jackson with the potential to touch the lives of more people than he ever did in the old days.

This prospect pleases Jackson deeply because he wants above all to be a respected leader, to do something singularly useful, to leave an unblemished and indelible mark on this world. His extraordinary drive for legitimacy makes Jackson both charismatic and enigmatic, I believe, and it may explain why he has aroused both intense loyalty and fierce hatred in various segments of the public.

Jesse Jackson was illegitimate at birth, the son of a young Greenville, S.C., woman named Helen Burns and the married man who lived next door, Noah Robinson. He grew up in relatively comfortable surroundings, but he was keenly sensitive to the circumstances of his arrival and the disgrace it produced in the family. His high school teacher observed a few years ago, "When you hear him say, 'I am somebody,' to motivate others, you wouldn't believe how long he was saying that to himself."

Young Jackson later attended the University of Illinois for a year on a

football scholarship but transferred to a North Carolina technical college after learning that blacks were not eligible for the quarterback position. In 1962, he became involved in North Carolina civil rights activities and, inspired by Dr. Martin Luther King, decided to study for the ministry. He enrolled at the Chicago Theological Seminary in 1966 and, while he was flunking preaching, he assisted Dr. King and the Southern Christian Leadership Conference (SCLC) staff in the Chicago open housing campaign.

Impressed with his enthusiasm and organizational ability, King made Jackson head of the SCLC's small but budding Chicago economic arm, Operation Breadbasket. Several close associates of King had doubts about this extremely ambitious young man, but King liked his dedication and vigor.

Only a few hours after King was slain in Memphis in 1968, young Jesse Jackson, wearing a bloodied shirt, was on national television, explaining that he was at King's side when he died and was the last human being with whom he spoke. The message was repeated in touching detail the next day before the Chicago City Council.

Several King aides protested that Jackson was lying through his teeth: he may have been in the Memphis motel at the time of the assassination, but he was nowhere near King at the last moment. However, with riots tearing many cities apart, these objections went virtually unnoticed. Whatever actually happened, the image Jackson conveyed held an important symbolic significance. For the impression had been seared into the public recollection that as the great father of the civil rights movement breathed forth his soul, there was Jesse Jackson beside him, cradling the bloody head, receiving the mantle, accepting the call. The incident, of course, created a rift that has never been healed between Jackson and SCLC figures like Ralph Abernathy and Coretta King.

Jackson returned to Chicago and, over the next three years, built Breadbasket into a powerful organization, largely by the force of his oratory and his ability to inspire sacrifice and dedication. Technically, it was a branch of SCLC, but SCLC, without King, was a dying enterprise on the national scene. And so on Christmas day, 1971, Jackson severed the cord, forming Operation PUSH (People United to Save Human-



ity) as a new national organization built around himself and the same basic principles that had vivified SCLC.

Yet the shadow that passed over him at the moment of King's death continued to hover near everything Jackson touched. And the shadow remains. The accomplishments of PUSH (and there are many) cannot be denied. But Jackson's critics, black and white, always find a fly in the ointment, a hidden agenda, a double motive, a sinister implication. And often they're not hard to find. Jackson's ointment just seems to draw flies.

— In 1973 and 1974, for example, PUSH negotiated and signed a series of covenants with major corporations like Schlitz, General Foods, Quaker Oats and Avon. The pacts called for additional jobs and the upgrading of minorities. But PUSH has been regularly criticized ever since for demanding too little from these giants and for failing to follow up these publicized victories by pressuring other companies with far poorer minority hiring records.

— PUSH has organized yearly Expos which permit minority manufacturers and businesses to showcase their products before the public in a slick, professional setting, with big time entertainers adding luster. But Jackson has often been accused of failing to make an accounting of the proceeds and, on more than one occasion, of misusing Expo funds.

— PUSH promoted and supplied volunteers in the campaigns of political candidates, especially in Chicago and Illinois. But other black or liberal white candidates complained Jackson spurned them just when a push from PUSH might have made the difference, and some candidates who were supported the first time around by PUSH were left hanging at reelection time.

— Jackson and Ald. William S. Singer achieved an historic coup in 1972 when they succeeded in having the entire Chicago delegation of Mayor Richard J. Daley thrown out of the Democratic National Convention on legal grounds. Jackson proudly announced that the days of the machine were over, but the victory cheers gave way to hoots when nothing came of the Daley ouster. The mayor quietly retrieved the reins of power, while Jackson and Singer wound up fighting a contempt of court charge for their audacity.

— Jackson and his pronouncements



on local and world affairs are frequently quoted in the press and carried on television. On the other hand, he is just as frequently tarred by columnists like the *Chicago Tribune's* Vernon Jarrett and other would-be civil rights spokesmen for hogging the limelight and monopolizing the media.

Perhaps the most sweeping indictment of Jackson and his strange career comes from *Tribune* reporter Barbara Reynolds' 1975 book, *Jesse Jackson — the Man, the Movement, the Myth*. In it she declares that Jackson is "not an invention of the media, as is often charged. He invented himself, his own opportunity, his own moment of glory, and these were later patented by the media."

In fact, claimed Reynolds, Jackson is at base a puppet of the white-dominated business and political establishment. After King's death the establishment "needed a neutralizer for the ardent rhetoric of 'burn, baby, burn.' What they really needed was a Booker T. Washington in bell bottoms: someone who could out rap H. Rap Brown, but someone with more orderly oratory, who could lead the militants away from the onslaught on property. If Jackson wanted to boycott 400 A&P stores, so what . . . Non-violent boycotting and demonstrating were palatable alternatives to burning and looting. Jackson offered an alternative that whites could live with."

Ms. Reynolds' stern assessment is not unique. Even the *New York Times*

thought it saw through the rhetoric and tough talk when it stated editorially, "Jackson is militant but non-violent, good copy but safe copy; radical in style, not in action. The Jesse Jackson of today is not a threat to established institutions."

If Barbara Reynolds and the *New York Times* are correct, then Jackson's latest foray into the areas of self-discipline and shape-up-or-ship-out is consistent and logical. Somehow the word has filtered through to his programmed, feverish brain that the establishment wants to come down heavy on the kids. Hence, this latest "spontaneous" thrust by today's premier civil rights leader.

As a reporter and editor for the *Chicago Defender*, I have followed the career of this mystifying, complex man with more than casual interest for seven years. I have heard him blessed and more often cursed on an almost daily basis. But when the solid accomplishments of PUSH and the contributions of Jackson are weighed, I think it is clear that the man and the movement are not puppets of the establishment. Nor do I believe Jackson can be dismissed as an egomaniacal opportunist. This is not to say he has not sometimes been used by the politicians and the media for their own purposes. And it cannot be denied that Jackson is at times subject to his own personal demons of ambition and arrogance.

Despite the glaring flaws, Jackson has virtues that go beyond his incredible energy and magnetism. In his roots, he is



not a cynical manipulator of men. He passionately and sincerely wants to make a better world. And the overwhelming response to his budding EXCEL program suggests that there are millions of concerned Americans who suspect that if there is anyone in the nation who can convince kids it's cool to study, that man is Jesse Jackson.

Still the Country Preacher is not at ease. He is fretting about his critics. He can't help it. "I spoke before the Republican National Committee in Washington last week," he says, "and do you know what some of them were asking? They were asking, 'By what authority does he speak to us?' Can you believe it? By what authority? I am a moral leader. I have proven that — not just a black leader or an ethnic leader. I am an ethical leader. I'm not just a black spokesman. They don't present Jimmy Carter as the white President, do they?"

It is the old issue of legitimacy, and it still haunts him.

Life, of course, would be easier and happier if he could relax a little, look at the impact he has had on the local and national scene and take pride in what he has done. Today Operation PUSH has more than 100,000 dues-paying members, branches in 30 cities and a \$1-million budget at the national office in Chicago (which doesn't include funded programs in Los Angeles and other cities). Major suits and complaints filed by PUSH have had an impact on housing, education, welfare, health care and job programs. Minority businesses, banks, publications, politicians and entertainers owe huge debts to Jackson for giving them exposure and backing.

Tons of food and clothing have been gathered under PUSH auspices for international distribution. Thousands of voters have been registered, thanks to PUSH campaigns. The U.S. Congress and several state legislatures (including Illinois) are hearing regularly from poor people lobbies organized largely by PUSH. And every Saturday from 500 to 1,000 throng to the old synagogue on 50th St. in Chicago's Southside ghetto to be instructed by Jackson and his associates in the power of proud and positive thinking. They come and they cheer regardless of the weather or their own problems. Jesse can weave a spell, but he can communicate genuine hope as well.

Jackson serves another, often overlooked function in the larger communi-

ty — that of commentator and interpreter of the events of the day. There was a time when his judgments were restricted to issues directly affecting black people, but that day is over. In keeping with his self-image as a national moral leader, Jackson speaks out on a wide range of issues. To the press he is consistently good copy not just because his comments are timely, but because the man does not go off half-cocked — at least, not often. The public may argue about the conclusions he draws, but it can rarely dispute the facts or statistics he cites. He does his homework, and when Jackson says Jimmy Carter's victory margin in Pennsylvania was 128,456 votes, you can check the record and you'll find he's right. In addition, he has a unique ability to reduce complex issues to the level of the common man and an instinctive talent for illustrating his point with pungent analogies or

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## Despite the glaring flaws, Jackson has virtues that go beyond his incredible energy and magnetism

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parables. Combine this with his skill at sticking in the knife at just the right moment, and you get speeches, press conferences and official statements with clarity and force. A few very recent examples show both his range of interest and earthy approach.

— On the proposed Panama treaty: "Sure, you will be junking a half-century plus treaty relationship with Panama. It was a grand treaty since we more or less gave it to ourselves . . . For details about those kinds of treaties, check with any Indian."

— On major manufacturers moving overseas: "Just as the boss left the inner city to rot, he is now taking another trip from the suburbs to Mexico, Thailand and Taiwan."

— On popular music: "Our children, black and white, are literally put in a state of heat prematurely. There is an early development of their bosoms and bottoms, with little or no development of their brains."

— On the Bakke case: "To end [affirmative action] programs and to restore a world ruled by tests and scores will restore the circumstances that created a society in which only 1 per cent of the judges, engineers and lawyers are black and in which only 3 per cent of the electricians and social scientists are black."

— On blacks and politics: "The Democrats have no incentive to register us because we already comprise one-fourth of their total vote and they are afraid we will vote black. The Republicans have no incentive to register blacks because we tend to vote Democrat. Many of the same people who opposed our right to vote also oppose our being fully registered to vote."

The importance of Jesse Jackson as an interpreter of events ought not to be underestimated. There is no one else with clear links to the inner city masses who is reacting as quickly to news developments. The Urban League or the National Association for the Advancement of Colored People may choose to comment on occasion, but their words come six months or more after the event when the furor (and interest) has all but died.

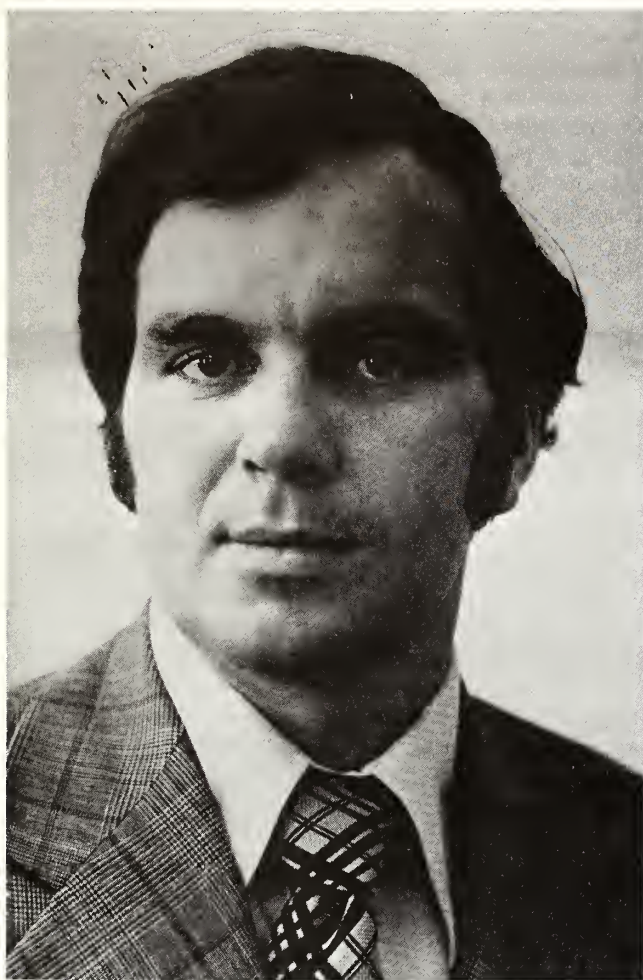
Putting himself and PUSH into the role of instantaneous reactors to important issues is a risky undertaking, and Jackson has been known to put his foot in his mouth. But the general public and the decision makers listen because, like it or not, Jackson does represent a sizable constituency. In the long run, his function as a spokesman may be his most important contribution.

In her 1975 book, Barbara Reynolds suggested that the Country Preacher will be a genuinely effective force only when he learns a little humility, only when the overtones of haughtiness are silenced. I believe there are signs this is beginning to happen. Now 36, Jackson does not feel as constrained as he once did to reply to every insult, punish every enemy or react defiantly to every putdown. The regal bearing is still there, but the manner is a bit more relaxed.

"I'm older now," he said, when I commented on this. "A little more mature, a lot more secure."

Indeed, if the EXCEL program continues to grow and shows demonstrable results, Jackson will have reason to feel extremely secure. Eventually, he may even be satisfied that he has attained genuine legitimacy. □





## The eldest son

Senator Daley  
responsible  
for new  
mental health code

THE ELDEST son of the most powerful, beloved and respected leader in Chicago's history, Sen. Richard M. Daley holds a unique position in Illinois government and politics. Whether Daley would like to follow in his father's footsteps and run for mayor of Chicago is unknown. Sen. Daley himself says "not at this time." But he has, nonetheless followed a career pattern similar to that of his illustrious father.

"Young Daley is a graduate of his father's elementary school, Nativity; his high school, Catholic De LaSalle; and law school, DePaul; and began his government service in the city corporation counsel's office," according to Milton Rakove in his book *Don't Make No Waves . . . Don't Back No Losers*.

His first elective office was as a delegate to the Sixth Illinois Constitutional Convention. He served on the Local Government Committee and the Style and Drafting Committee at the convention.

At 36, and as chairman of the Senate Judiciary Committee for the past four years, Daley is one of the most powerful members of the Illinois Senate. Like his father at a similar age, Daley has been a relatively quiet, unpretentious state senator, willing to sometimes take a back seat to publicity seekers while he meticulously learns the ropes and how to pull them.

### His leadership role

Yet in the past year Sen. Daley has begun to take a more visible leadership role. His father spent four terms in the Senate, and the 81st session marks the start of Sen. Daley's fourth term. By his own admission, he has championed "more controversial subjects" recently. His advocacy of a new civil rights code intended to protect the rights of the mentally ill was clearly instrumental in the passage of the bills last year (see July 1978).

More recently, Sen. Daley has proposed legislation to close a loophole in Illinois law that does not penalize physicians who fail to report child abuse cases they find when treating children. And he has called for creation of a separate unit under the Department of Children and Family Services (DCFS) to concentrate exclusively on child abuse cases. "It's time we did something about following up cases immediately, investigating within 24 hours, and not two or three days later," Daley says. "We need more accountability to see that the code is implemented. If the program is not operating right, we may need to do away with it and use those people more effectively."

Daley feels that a larger budget for DCFS is part of the answer to a more effective state response to child abuse. But he sees the issue as "more an executive problem than a legislative problem. The governor should have more appointment power within the

agency." Daley ranks improving child abuse response as his number one priority in the 81st legislative session. He believes that the recent increase in the incidence of child abuse is due to "the amount of violence we see on television and the whole drug phase we're in in our society."

The senator says his greatest achievement to date in the legislature was his role in maneuvering the new mental health code through to passage last spring. He says the most important part of the code, and the part he's proudest of, is the Guardianship and Mental Health Advocacy Commission's human rights authority. It is charged with investigating abuses and protecting patients through public input. "I felt there was need for a change to protect the rights of people who didn't have a voice," Daley says.

Sen. Daley's philosophy of state government on fiscal matters is essentially conservative. He believes that the answer to most problems is not just money, but accountability by those who provide services. For example, he thinks the corrections department should undergo "complete reorganization."

"The incident at Pontiac [when three guards were killed in July 1978] was not handled well. What's the purpose of a lockup? It's a punishment that accomplishes nothing. I think they should have taken other steps — maybe used the national guard to enforce order, or at least allowed the men in there to take showers and eat decent meals. The loss of men there, the killing of guards, was committed by 20 or 30 men who've been transferred elsewhere. The law should punish those individuals. But I'm concerned about the innocent prisoners, especially the young man in prison for the first time on a first or second offense. It must be a great hardship," Daley said.

## His view of government

Sen. Daley thinks state agencies should be more the responsibility of the governor. "The General Assembly can't be here full time. We review the budget and set policy. I think it's [the legislative process] getting more complicated and it hampers the executive branch of government. It's like having a board of directors running the state."

Although Sen. Daley has had his differences with Gov. James R. Thompson, Daley does not give him bad marks

for overall performance. "Anyone compared to the previous administration would look good. The relationship with the legislature was fantastic, not only his [Gov. Thompson's], but the whole staff. . . . I expect it to continue," Sen. Daley said.

He defends the November 29 pay raise, which he voted for: "I personally don't think it's too much. I think it's right for all officials of state and local government, home rule and non-home rule, to vote on their pay raises. We should vote and not have the rate set by rules and regulations. That way the people have some accountability.

"One of the things my father imparted to me was to never be afraid of the people, or going before them in an election. The people should have a voice in government, and there shouldn't be such bureaucracy. Elected officials have less to say than ever before in the history

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The people should have  
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of the United States," Sen. Daley says.

"If you are building new curbs in Chicago, you have to get an environmental impact statement. Federal bureaucracy has gone too far. Proposition 13 anger should be directed toward federal, not state or local government. The federal government is an enigma to its citizens."

Daley said he believes the federal government should bail out bankrupt Cleveland with emergency money. But as to his own city, he appears confident that it will continue to thrive. "The future of Chicago is upon the faces of its citizens. They have a great feeling of optimism. The business, labor, government and religious community are all willing and able to try new concepts, like the new home mortgage program that encourages people to buy homes in Chicago."

Why is Chicago "the city that works"? "There is good will among community leaders. They know each other, they are

active in civic, community and government activity. There is a feeling that they are willing to cooperate to put people to work."

## His opinion on OTB

Two issues before the legislature that directly affect Chicago are legalization of off-track betting (OTB) for horse racing and state funding for a new sports stadium. Sen. Daley says he sees nothing wrong with OTB "if any local governmental body views it as helpful," and he would prefer that the city consider remodeling of the present sports stadium, Soldiers Field.

Daley says the revenues from OTB should go toward social services, education, child abuse, public health and so forth. He says his father never fully endorsed the concept of just a stadium alone. "There should be other activities involved besides sports . . . the Bears only play eight games a year in Soldiers Field."

Was it difficult to grow up as the son of Mayor Richard J. Daley? "No. My father and mother raised us with the understanding that his position was his. It was never looked on as ours. My father never used us publicly in any way." But a strong sense of public responsibility and love of his city is a legacy that Richard M. Daley accepted from his father.

On a personal level, Sen. Daley seems more serious and more concerned with the human effects of government than he has ever had a reputation for. When he talks about the problems of child abuse, overcrowded prisons and the rights of the mentally ill, he does so with apparently sincere empathy and an understanding born of hard work and study. His political sense, dedication and ambition might have been inherited from his father. And although it is unlikely that anyone will ever again dominate the power and glory of Cook County as thoroughly as his father did, Sen. Daley has begun to carve out his own accomplishments in state government, emerging as a genuine force in the Senate.

His endorsement of Sen. Philip J. Rock (D., Chicago) appeared to clinch the Senate presidency for Rock, just as Sen. Daley's opposition of Rock helped elect former Sen. Thomas C. Hynes (D., Chicago) president two years ago. In Chicago that is called clout. □



## A common sense guide for dealing with boards, committees, commissions

# How to present your proposal

SOME political decisions may be made in the legendary smoke-filled rooms, but hundreds of legislative and quasi-judicial decisions are made everyday in people-filled public halls — important decisions about land use, distribution of community development funds, environmental regulations, public transportation and on and on.

Individuals, businesses, institutions, social agencies and even governments themselves find that many actions cannot be undertaken without the approval of a specific public committee, board or commission. Whether you are advocating a bike path, seeking to expand a hospital or planning a shopping center, chances are that a written proposal must be prepared and oral arguments presented before one or more public bodies.

### Process

Citizens on these public bodies are neither experts nor randomly selected, but representatives of the community. Their abilities, diligence and preparation may range from very low to very high. They will make decisions in the light of specific standards and rules of procedure. This process is characteristic of the democratic system. Yet the news that a proposal must be approved by the local plan commission or a regional sanitary district or the health facilities

planning board often gives rise to doubts about the right approach and understandable concern about the final decision.

Each decisionmaking body of government has its own formal and informal rules, vocabulary and rituals which leave the applicant feeling like an outsider about to enter a foreign country. Formal rules, no matter how carefully written, are never completely self-explanatory. The reasons for estab-

lished procedures may appear obscure or downright mystifying. And everyone knows that *informal rules* can be the most important rules of all. The volume of paperwork required may astound the uninitiated. The citizen who needs a zoning variation to add a simple porch onto the house may wilt at the staggering progression of forms, rules and procedures.

If you need to take a proposal before the board or committee, commission or agency, the outcome is important. You will, therefore, spend a great deal of time on the matter and try to make the very best case you can. While there are no quick tricks for a favorable decision, thorough *planning*, careful *preparation* and sensitive, thoughtful *presentation* of your proposal can make the crucial difference.

### Planning

Before you can make the system work for you, you'd better know how the system works — who will review your proposal, what will be considered, and how and when the decision will be reached. You can get information from personal observation, citizen groups such as the League of Women Voters, newspapers and especially from the staff of the commission or board considering your proposal. Many boards have a staff who can advise citizens in preparing proposals. To locate this assistance, call the appropriate government and ask for help. For example, if you call village hall and say you have a matter before the planning board, you may be connected with an employee who serves as staff to the planning board. If your nursing home expansion requires the approval of the health facilities planning board, ask for the staff person responsible for nursing home review. As a citizen or petitioner, you have the right to get

### DO

- Contact the staff**
- Review all material that relates to your case**
- Develop a written record**
- Prepare application with the utmost care**
- Solicit community support for your case**
- Consider hiring an attorney for quasi-judicial matters**
- Select the coolest and most knowledgeable advocate to present your case**
- Stick around until the final decision is made**

### DON'T

- Don't be afraid to ask questions**
- Don't take anything for granted**
- Don't submit a sloppy, slipshod application**
- Don't threaten to sue**
- Don't bring up weaknesses in your own position**
- Don't use courtroom style**
- Don't act indifferent**
- Don't talk down to the board**

DONA P. GERSON  
MAXINE LANGE

Dona Gerson is a member of the Evanston Zoning Board of Appeals and administrative assistant to Commissioner Joanne Alter, Chicago Metropolitan Sanitary District. Maxine Lange has been an Evanston alderman since 1971 and is chairman of Evanston's Housing and Community Development Committee.

information from staff about board rules and practices. In this era of consumer consciousness, it is surprising that citizens rarely ask for and use the services offered by government.

While staff can be enormously helpful, it is the board which will make the policy decision. It's important to know the role of each reviewing body from the start and whether the board will make a *recommendation* or a *final decision*. McDonald Corporation's widely discussed petition for expansion of corporate headquarters in Oak Brook was reviewed by the Planning Board and Zoning Board of Appeals. Each board sent its recommendation to the village board which makes the final decision. If your proposal must be reviewed by more than one body before the final decision is made, you must account for this when planning your strategy.

Find out what materials and information the board will use in arriving at a decision and ask to see all of it before you make your presentation. If staff

your presentation. It is a public record and you're entitled to see it.

Most proposals are measured against written standards and criteria. Study these very carefully and consider how your proposal stacks up. Your preparation and presentation must specify how each of these standards is satisfied. Unless you meet these standards, you'll probably lose your case.

Each board balances a variety of legitimate interests. For example, distribution of a limited resource, such as community development funds, may require balancing worthwhile but competing programs. A planning board must consider community goals such as expanding the tax base and maintaining open space, reducing congestion and fostering commercial development. In preparing your proposal be sensitive to the range of interests considered by the board.

## Preparation

Develop a written record as you prepare your proposal. Keep dated copies of all of your correspondence, applications and memos. Prepare the application carefully. Be sure information is accurate and comprehensive. This is crucial. All pertinent information must be clearly expressed. Charts or illustrations may clarify or illuminate.

In some communities, you can ask your elected officials, such as aldermen or trustees, for advice on how to present your case. In other communities, this request might be strongly resented. Obviously, this is an area for caution.

Solicit support for your case. If it is appropriate, ask community or neighborhood organizations to go on record favoring your position. Make sure you get a written, dated statement to that effect. Consider getting signatures on a petition in the area to be affected. Petition passing gives you an opportunity to garner support, inform others about your proposal, identify opposition and reconsider your strategy.

A developer and the City of Evanston learned the hard way not to ignore the need for community support. The city sold a parcel of land to a developer for subsidized housing. The sale involved a considerable city land subsidy. Since the city council had approved the sale, the developer assumed a desired rezoning was assured. But the neighbors and

community organization, who had not been consulted, protested strongly and the rezoning was denied. Even a local government cannot take the action of its boards for granted.

It's a good idea to practice your presentation before someone who is not familiar with the case, a friend or relative, whose honest response will help you judge the clarity of your proposal. You can iron out kinks and gain confidence before the actual meeting.

If the proposal is complex or is coming before a quasi-judicial board such as a county zoning board, a civil service board, or the Illinois Pollution Control Board, it might be wise to retain an attorney to prepare the case. But attorney or not, the person who presents the case before the board should know the case thoroughly and be able to stay cool and calm when questioned and challenged.

Last summer, a major medical center was initially denied a permit by the Illinois Health Facilities Planning

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While there are no quick tricks for a favorable decision, a sensitive presentation of your proposal can make the crucial difference

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Board because the applicant was represented by a staff member who was unfamiliar with the type of questioning and stumbled in his answers to the board. The medical center sent a different person to the next meeting — their chief administrative officer whose experience, ability and, perhaps status, led to a favorable decision.

## Presentation

Arrive early for the meeting and check in with the staff. If there is a written agenda, ask for a copy. The Northeastern Illinois Plan Commission, for example, has the agenda and pertinent reports available to the public before the meeting. Other boards may have this type of material available also.

The oral presentation should complement, not repeat, the written applica-



prepares a memorandum or report on the proposal, be sure to ask to see a copy. A village manager appearing before the Metropolitan Sanitary District read from his well-prepared proposal, not realizing that the board had a staff memorandum with a different point of view. If he had seen the staff report, he could have easily clarified discrepancies and saved himself a lot of agony.

You'll want to know the sequence of events at board meetings, whether discussion is informal or testimony is taken under oath, and whether the decision is made immediately after the presentation or at another time. If official transcripts or minutes are taken, ask to see a case similar to yours prior to



tion. Don't read written material to the board, but state your strongest points in a fresh, clear way. Support your position with petitions and witnesses when appropriate. Each bit of evidence or witness should add something to your case. Avoid repetition. It's annoying. Be sensitive to the questions and comments of the board. Try to put yourself in each board member's position. What concern or doubts do her/his questions indicate?

Your attitude in presenting your case is very important. Treat the board respectfully and assume that they are attempting to act reasonably and responsibly. While this attitude can be very difficult to maintain if you've waited for several hours and are interrupted with questions that seem irrelevant or hostile, it is important and can influence the outcome of your case.

Don't be patronizing, condescending, slovenly or slick. It's quickly perceived — and resented. Don't threaten the board with lawsuits and reprisals. They've heard it all before and won't be impressed.

Attorneys who address the board should remember they are not in court addressing the bench. A well-reasoned presentation, clear discussion of the issues and response to all questions may be more important than citing court decisions.

Answer questions carefully and respectfully even if you don't understand their relevance. If you don't know the answer, tell the board that you will get the information and send it to them. Do this as quickly as possible. If you do not understand a procedure or a question, ask about it. In concluding your presentation, summarize your case succinctly and reiterate your strongest points.

Stay until the decision is made. There is a practical as well as psychological value, even if you have to wait several hours or come back another time. If an unresolved question is raised, you are there to resolve it. Also a compromise may be negotiated. Your presence is a powerful statement of your concern in the outcome.

If your proposal is rejected, evaluate the decision as honestly as possible. There may be procedures for reconsideration or submission of an amended proposal. Some boards have mechanisms for appeals. Your decision at this point requires weighing the possibility of success against the effort necessary to persevere. □

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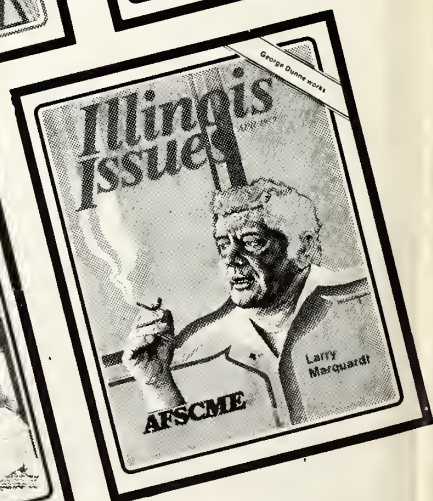
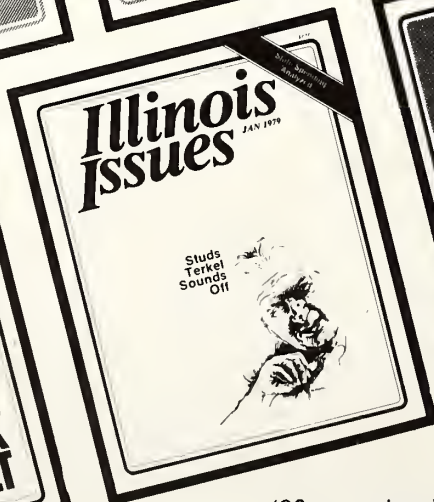
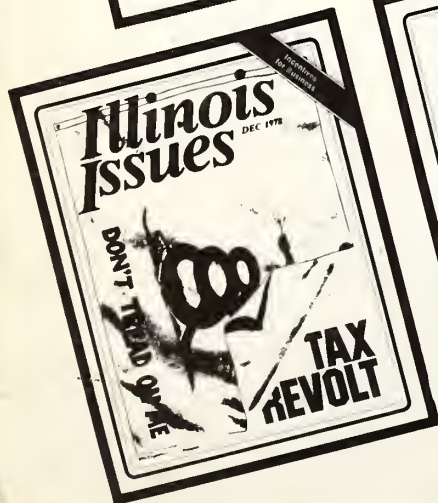
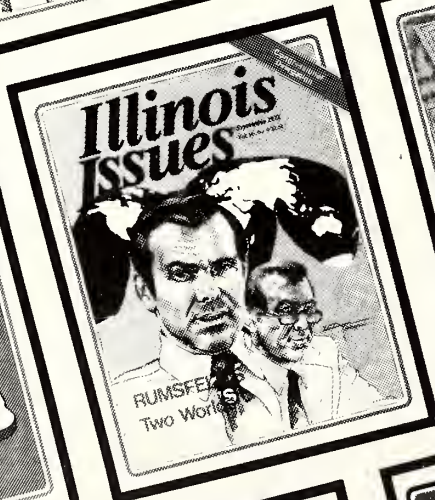
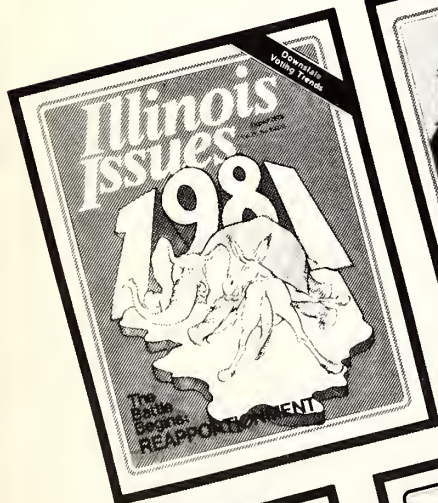
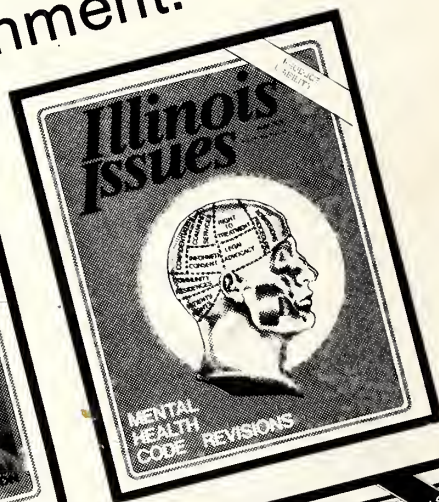






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